



**AMCTO (ZONE 4)  
2021 SPRING MEETING**

# Minister's Zoning Orders

Presented By

**Lee English**

April 30, 2021



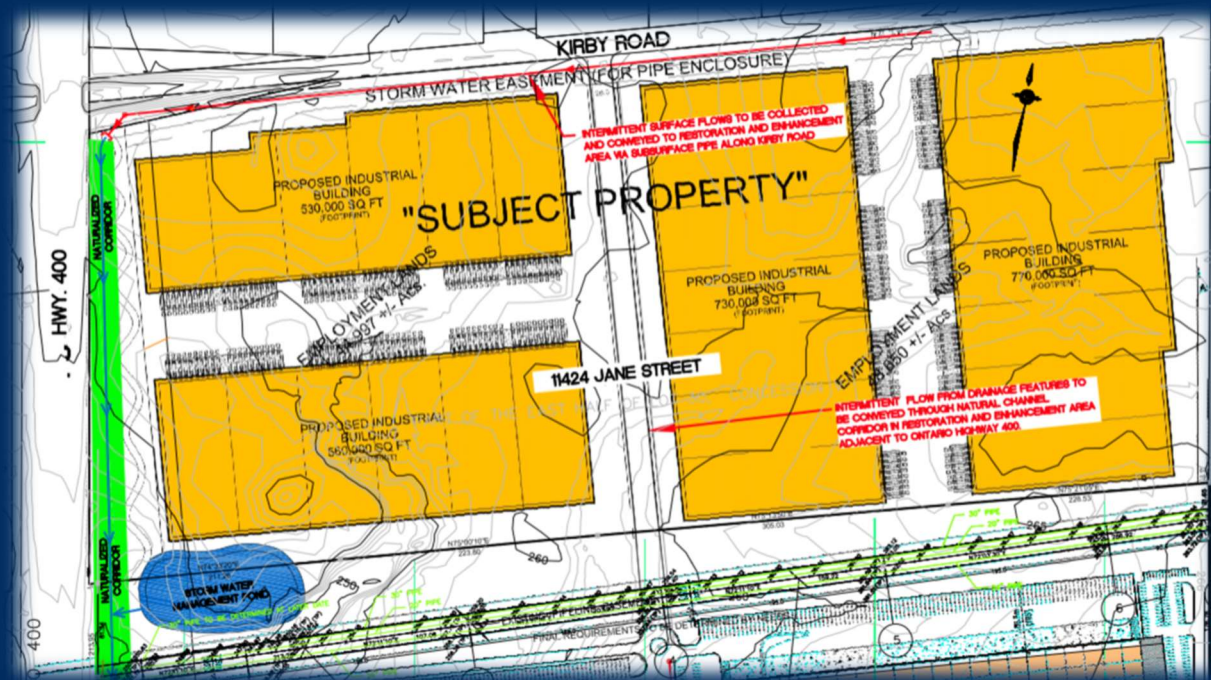
**BLG**

Borden Ladner Gervais

# Outline

- **Introduction**
- **What is a Minister's Zoning Order?**
- **Land Use Planning in Ontario**
- **MZO Details: Content, Notice, Amendments, Revocation**
- **Recent Amendments to MZO Powers**
- **Questions**

# WHAT IS A MINISTER'S ZONING ORDER?



# Minister's Zoning Orders

- Section 47 of the *Planning Act* allows the Minister of Municipal Affairs and Housing to make “Minister’s Zoning Orders” (MZOs), to govern land uses within areas subject to the order.
- Very powerful
- Very polarizing



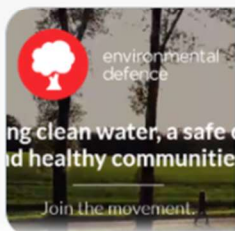
**Steve Clark** ✓ @SteveClarkPC · Apr 12

The Glen Hill Strathaven Long term care facility is outdated and would not meet new long term care standards. That's why I supported Durham Region and the Town of Clarington's request for an MZO to accelerate 224 new modern long-term care beds, that will meet our high standards.



**EnvironmentalDefence** ✓ @envirodefence · Apr 1

#Media: Ontario gov't set to declare open season on sprawl MZOs with tabling of Schedule 3 (in Bill 257) amendments to the Planning Act, ignoring warnings about the threats to the environment, municipal budgets and rule of law #onpoli #YoursToProtect

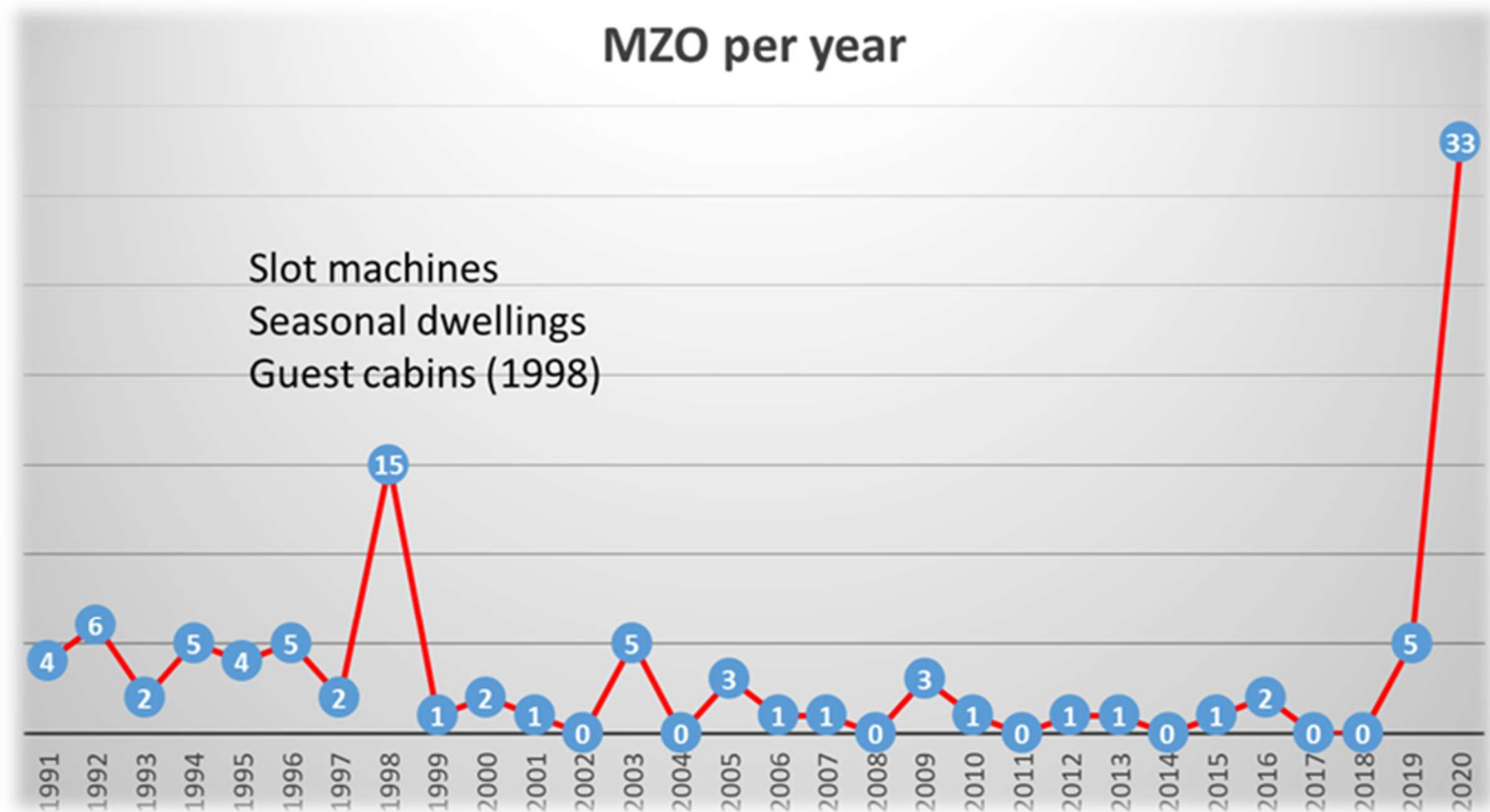


Ontario Government Set to Declare Open Season f...  
Province ignores warnings about threat to the environment, municipal budgets and rule of law ...  
[environmentaldefence.ca](https://environmentaldefence.ca)



the construction of the updated Glen Hill Strathaven

## Explosion in Recent Use



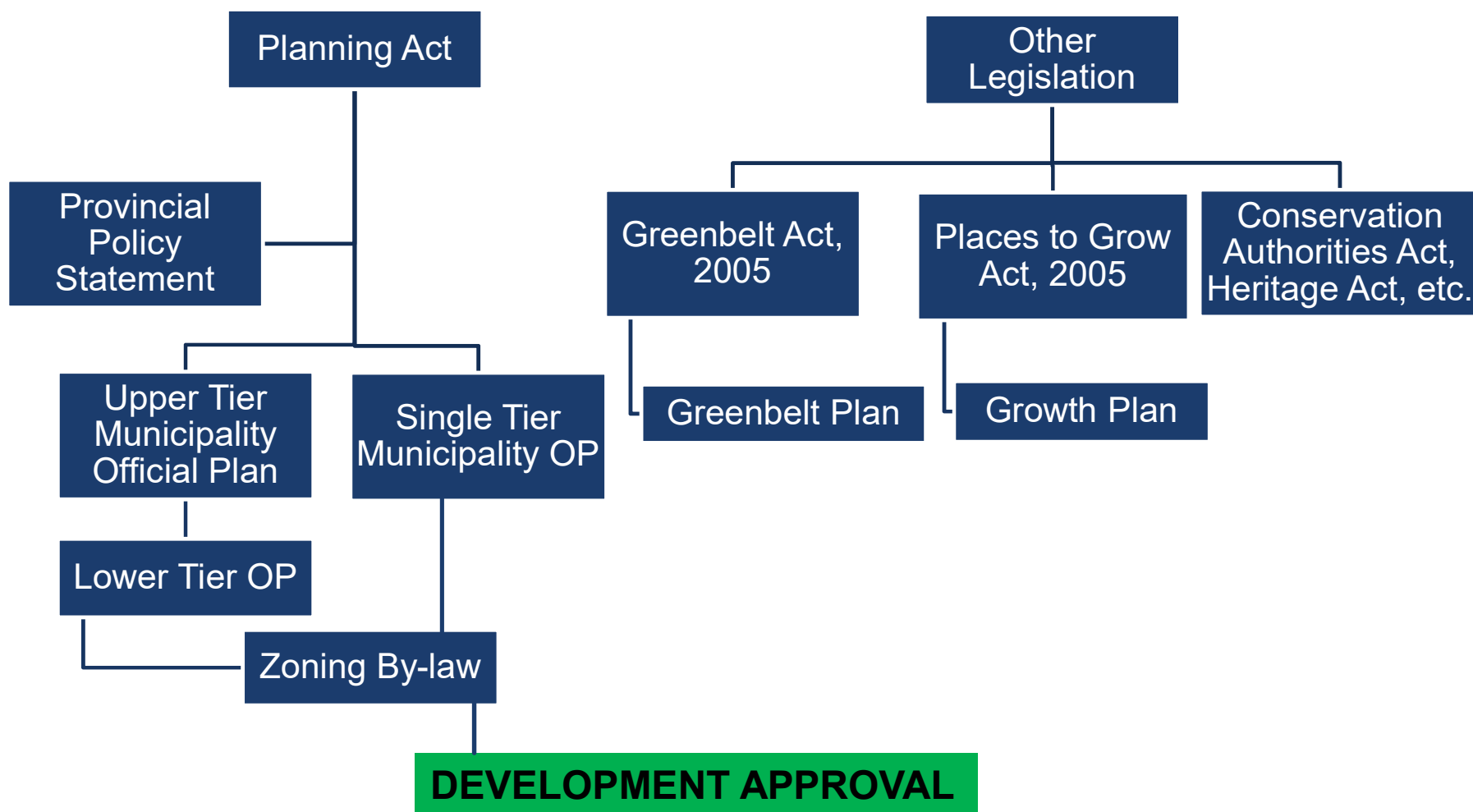
- **Source:** [Environmental Defence, 2021](#)



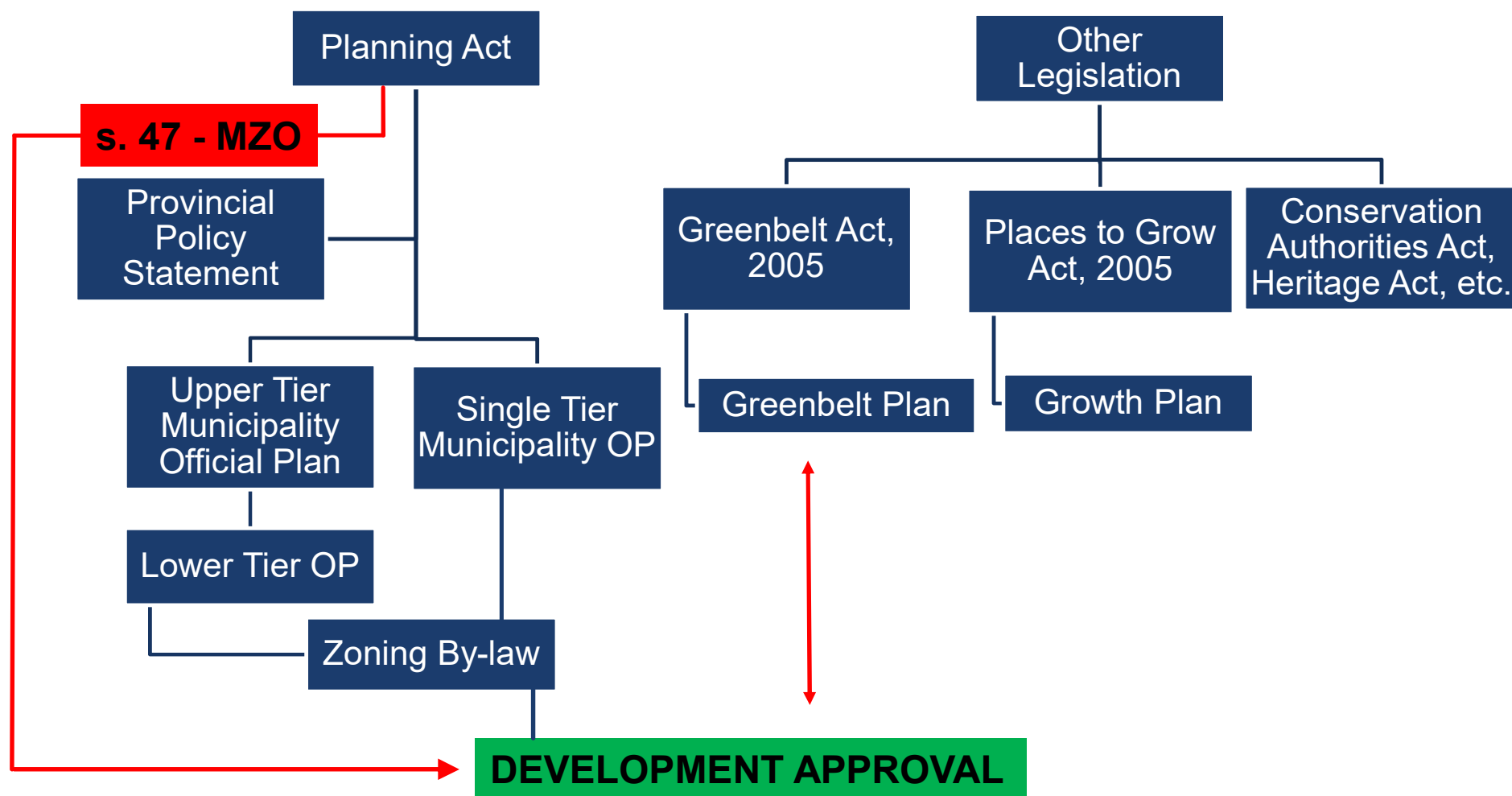
# LAND USE PLANNING IN ONTARIO



# Land Use Planning in Ontario



# Land Use Planning in Ontario







# MZO DETAILS: “APPLYING”, CONTENT, NOTICE, AMENDMENTS, REVOCATION



## “Applying” for a MZO

- There is no statutory right to request an MZO
- MZO's are issued by the Minister at their discretion
- Practically, we are seeing council resolution and request in writing
- Not necessarily with provincially owned lands



**Steve Clark** ✓  
@SteveClarkPC



When it comes to MZO's on non-provincial land, municipalities are in the driver's seat.




## Content of an MZO

- Definition
  - Typically refers to the ZBL it otherwise applicable to the lands
- Application
  - Describes the lands subject to the order (by reference to a map filed with MMAH)
- Permitted Uses
- Zoning Requirements
- Terms of Use
- Deemed By-law



# Notice

- No notice or hearing is required prior to the making of an order
- But, the Minister must give notice of an MZO within thirty “in such manner as the Minister considers proper.”
- Where to find: *Planning Act* Regulations
- MZO mapping deposited with MMAH (and available on ERO)

Ontario  SEARCH LAWS  SEARCH [contact us](#) [français](#) [Topics +](#)

[HOME PAGE](#) / [LAWS](#) / [PLANNING ACT, R.S.O. 1990, C. P.13](#)

### Planning Act, R.S.O. 1990, c. P.13

Versions	Regulations under this Act	Revoked/spent regulations under this Act
O. Reg. 172/21	ZONING ORDER - CITY OF MARKHAM, REGIONAL MUNICIPALITY OF YORK	
O. Reg. 171/21	ZONING ORDER - TOWN OF CALEDON, REGIONAL MUNICIPALITY OF PEEL	
O. Reg. 170/21	ZONING ORDER - CITY OF VAUGHAN, REGIONAL MUNICIPALITY OF YORK	
O. Reg. 169/21	ZONING ORDER - CITY OF MARKHAM, REGIONAL MUNICIPALITY OF YORK	
O. Reg. 167/21	ZONING ORDER - MUNICIPALITY OF CLARINGTON, REGIONAL MUNICIPALITY OF DURHAM	
O. Reg. 166/21	ZONING ORDER - TOWN OF NEW TECUMSETH, COUNTY OF SIMCOE	
O. Reg. 160/21	ZONING ORDER - CITY OF HAMILTON	
O. Reg. 698/20	ZONING ORDER - CITY OF RICHMOND HILL, REGIONAL MUNICIPALITY OF YORK	
O. Reg. 644/20	ZONING ORDER - CITY OF VAUGHAN, REGIONAL MUNICIPALITY OF YORK	
O. Reg. 643/20	ZONING ORDER - CITY OF VAUGHAN, REGION OF YORK	
O. Reg. 611/20	ZONING ORDER - CITY OF CAMBRIDGE, REGIONAL MUNICIPALITY OF WATERLOO	
O. Reg. 610/20	ZONING ORDER - TOWN OF WHITCHURCH-STOUFFVILLE, REGIONAL MUNICIPALITY OF YORK	
O. Reg. 609/20	ZONING ORDER - TOWNSHIP OF ORO-MEDONTE, COUNTY OF SIMCOE	
O. Reg. 608/20	ZONING ORDER - TOWNSHIP OF SPRINGWATER, COUNTY OF SIMCOE	

# Amending or Revoking an MZO

- Minister can grant minor variances to the MZO
- Any person or public body can request an amendment
- If Minister initiates an amendment or revocation, or if they receive a request, they must give notice and seek submissions
- Minister can refer a request to LPAT. If so, LPAT must hold a hearing and provide recommendation to Minister.

## Notice of Proposed Amendment to Minister's Zoning Order Ontario Regulation (O. Reg) 607/20

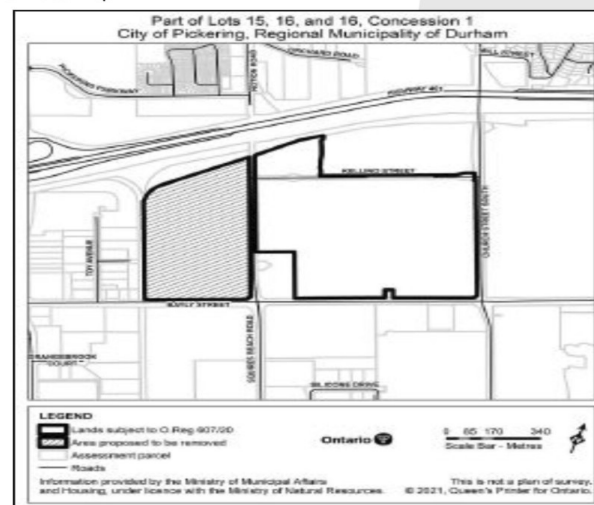
Take notice, the Minister of Municipal Affairs and Housing is proposing, under subsection 47(8) of the *Planning Act*, to amend O. Reg. 607/20.

O. Reg. 607/20 applies to three properties known municipally as 1802 Bayly Street, 1902 Bayly Street and 2028 Kellino Street in the City of Pickering, comprising approximately 92 hectares (227 acres).

O. Reg. 607/20 permits a broad mix of commercial, employment and residential uses on the lands described above. It also permits other major tourist and entertainment uses.

The City of Pickering has asked the Minister to consider amending O. Reg. 607/20 to remove the land and zoning permissions for the property known municipally as 1802 Bayly Street from O. Reg. 607/20. This property is identified as a Warehousing and Logistics Zone in O. Reg. 607/20 which permits warehouse distribution facilities, amongst other uses.

**Location:** See map.

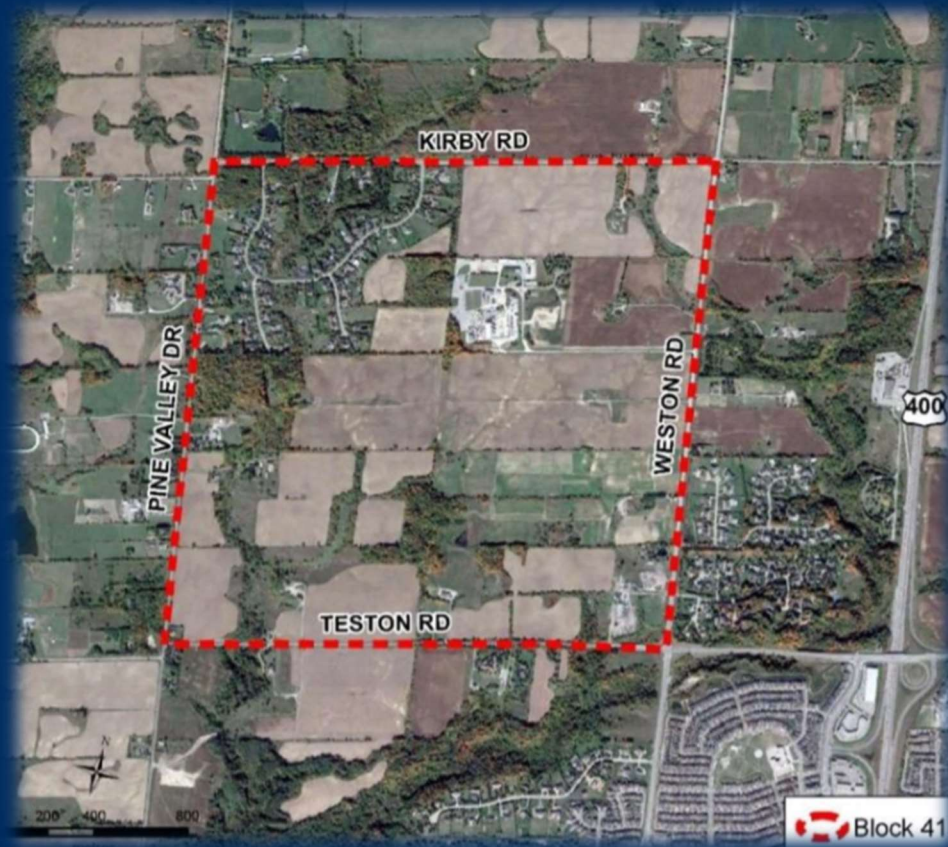


Submissions regarding the proposed amendment can be made by letter to the Municipal Services Office - Central Ontario, Ministry of Municipal Affairs and Housing, 777 Bay Street, 13th Floor, Toronto, ON, M7A 2J3, or by e-mail to [mso-c.mah@ontario.ca](mailto:mso-c.mah@ontario.ca). All submissions must be made on or before the 17th day of May, 2021. Please refer to O. Reg. 607/20 in your comments.

During the COVID-19 social distancing period when offices are closed, a copy of Ontario Regulation 607/20 may be viewed on the province's e-Laws website (<https://www.ontario.ca/laws/regulation/200607>). Alternatively, you may request a copy from: Tammy Nguyen, Planner (East Team) by e-mail at [Tammy.Nguyen2@ontario.ca](mailto:Tammy.Nguyen2@ontario.ca)



# RECENT LEGISLATIVE CHANGES



## Recent Legislative Changes

### **Bill 139 - *Building Better Communities and Conserving Watersheds Act, 2017***

- April 3, 2018 - sweeping changes to the land-use planning regime in Ontario.
- Among the many changes to the *Planning Act*, Bill 139 introduced significant changes to section 47 of the *Planning Act*.

### **Bill 66 - *Restoring Ontario's Competitiveness Act, 2019***

- Original Bill included **Open-for-Business Planning By-law** powers
- Similar to MZO powers, but for municipalities
- Proposal was dropped from Bill 66

## Recent Legislative Changes

### **Bill 197 - *COVID-19 Economic Recovery Act, 2020***

- Minister can make “Enhanced MZOs” relating to any “specified land” (not Greenbelt) to,
  - Provide that traditional site plan control in respect of all or part of the specified land does not apply;
  - Require a form of site plan agreement between the landowner and the municipality, and impose directions in respect of the agreement, including specified matters that shall not be dealt with in the agreement, or how certain matters shall be addressed; and/or
  - Exercise inclusionary zoning (affordable housing) powers, which could direct that a specified building or development of specified lands include a prescribed number of affordable housing units.

## Recent Legislative Changes

### **Bill 229 – *Budget Measures Act***

- Amends *Conservation Authorities Act*
- Conservation authorities must grant permission for lands in MZO area (can include conditions)
- Does not apply to lands in the Greenbelt Area

### **Bill 257 - *Supporting Broadband and Infrastructure Expansion Act, 2021***

- Amends *Planning Act*
- MZO does not need to be consistent with PPS
- Retroactive effect
- Does not apply to lands in the Greenbelt Area



Questions?



# Thank You

For more information, contact:

**Lee English**

Lawyer

416.367.6169

[lenglish@blg.com](mailto:lenglish@blg.com)

The information contained herein is of a general nature and is not intended to constitute legal advice, a complete statement of the law, or an opinion on any subject. No one should act upon it or refrain from acting without a thorough examination of the law after the facts of a specific situation are considered. You are urged to consult your legal adviser in cases of specific questions or concerns. BLG does not warrant or guarantee the accuracy, currency or completeness of this presentation. No part of this presentation may be reproduced without prior written permission of Borden Ladner Gervais LLP.

© 2020 Borden Ladner Gervais LLP. Borden Ladner Gervais is an Ontario Limited Liability Partnership.



**BLG**  
Borden Ladner Gervais