

**Subject:** Update on Local Official Plan Reviews and Proclamation Transition

**Report to:** Planning and Economic Development Committee

**Report date:** Wednesday, March 5, 2025

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## Recommendations

1. That Report PDS 5-2025 **BE RECEIVED** for information.

## Key Facts

- The purpose of this report is to update Council on legislative changes related to the transition of the Niagara Official Plan (NOP) and the impact on local official plans (OPs).
- Niagara Region will become an “Upper-Tier Municipality without Planning Responsibility” effective March 31, 2025, and the NOP will be deemed to constitute an official plan of Niagara’s area municipalities.
- The area municipalities will be responsible for administering both the NOP and their local OPs. The Minister of Municipal Affairs and Housing has recommended that the area municipalities consider incorporating any relevant/applicable NOP policies and mapping into the local official plan and revoking the NOP.
- The area municipalities are updating their OPs to reflect the relevant policy from the Niagara Official Plan, 2022 (NOP) and be consistent with the new Provincial Planning Statement, 2024 (PPS).
- To date, Niagara-on-the-Lake is the only municipality to submit their Official Plan to the Region for approval. The Region has been working collaboratively with Town staff to update the Official Plan for consistency and conformity and will be sending it back to the Town for additional consultation.
- After March 31, 2025, the Ministry of Municipal Affairs and Housing will replace Niagara Region Council as the approval authority for new official plans and some types of official plan amendments.

## Financial Considerations

There are no financial considerations associated with this report.

## Analysis

The Niagara Official Plan (NOP) was approved by the Minister of Municipal Affairs and Housing (MMAH) with modifications on November 4, 2022, and subsequently through the *Official Plan Adjustments Act, 2023* on December 6, 2023, with amended modifications. Additionally, the Province approved a new Provincial Planning Statement (PPS) that came into effect October 20, 2024. Section 26 of the *Planning Act* requires local municipalities to revise local OPs to ensure that it conforms with provincial plans, has regard for matters of provincial interest, and is consistent with the PPS. The *Planning Act* requires comprehensive (i.e. a new official plan) updates every 10 years, and five year reviews relative to provincial plan conformity (i.e. an OPA to conform with a provincial plan or policies).

On December 12, 2024, the Lieutenant Governor of Ontario proclaimed that Niagara Region will become an “Upper Tier Municipality without Planning Responsibilities” effective March 31, 2025. As outlined in Section 70.13 of the *Planning Act*, transition provisions provide that the NOP will be “deemed to constitute an official plan of the lower-tier municipality” and “remain in effect until the lower-tier municipality revokes it or amends it to provide otherwise.” Until such a time as the area municipalities revoke or amend NOP, they will be responsible for administering both the regional official plan and their local official plan.

Following proclamation, the Province will replace Niagara Region Council as the approval authority. As outlined in CWCD 2024-202, the Province recently amended Ontario Regulation 525/97 to exempt most official plan amendments (OPAs) from Provincial approval, save and except for new official plans (OP), OPAs adopted under Section 26 of the *Planning Act* (i.e., consistency and conformity amendments), and OPAs related to protected major transition station areas.

Regional staff have been working closely with area planning staff on the review of background studies and draft policies relative to their work to update their local OPs. Prior to the Region becoming an “Upper-Tier Municipality without Planning Responsibility,” area municipalities would adopt their updated official plan and then circulate to the Region for final review and approval by Regional Council. After March 31, the Ministry of Municipal Affairs and Housing (MMAH) will replace Niagara Region Council as the approval authority for these matters, and the local municipality will be

required to submit local OPs and some OPAs to MMAH for review and approval. The Region will continue to be circulated and provide comments on local OP review and updates as well as OPAs from a Regional interest perspective.

The Minister informed the Regional Chair by letter dated December 23, 2024 (Appendix 1), that the Niagara Official Plan (NOP) will be deemed to be part of the local official plan as of this date, per the *Planning Act*. As part of the ongoing local official plan work, local municipalities were encouraged by the Minister in the December 23, 2024, letter to consider incorporating any relevant/applicable NOP policies and mapping into the local official plan and revoking the NOP policies. The Minister notes that a single comprehensive policy document would streamline downstream (i.e. Provincial) planning review processes.

Status of local official plan review and updates vary. Due to the changing legislative framework, some municipalities have not yet initiated their official plan review, anticipating a new provincial policy statement and pending proclamation. Others have begun the review and are updating the drafts to ensure conformity with the new PPS and their role assuming the implementation of the NOP. Only one municipality, the Town of Niagara-on-the-Lake (NOTL), formally sent their OP to the Region for review and approval following adoption by Town Council.

Since the Town of NOTL submitted their OP to the Region in January 2020 prior to the approval of the NOP, Regional staff have been working closely with Town staff to address conformity issues as outlined in PDS 11-2020 and incorporate the updated NOP and new PPS policy direction. Given the extent of the changes, additional consultation must be conducted on the “current proposed plan” as per Section 17(15) of the *Planning Act*. Therefore, Town staff asked that the draft OP be returned to them for additional consultation.

In accordance with Section 17(7) of the *Planning Act*, the Region will need to forward any Official Plans or Official Plan Amendments that have been sent to the Region for approval to MMAH, if a decision has not been made by Regional Council by March 31, 2025, as the Region transitions to being an “Upper-Tier Municipality without Planning Responsibility”.

This report will be circulated to the area municipalities.

## Alternatives Reviewed

There are no alternatives. The transition provisions relative to proclamation are legislated by the *Planning Act*.

## Relationship to Council Strategic Priorities

This report provides an update on how planning matters will transition when the Region no longer is the approval authority for planning matters. This supports Council Strategic Priority for an Effective Region through revised service delivery and the delivery of fiscally responsible and sustainable core services, as well as Equitable Region through the support of growth and development following Bill 23.

## Other Pertinent Reports

- [PDS 11-2020](https://pub-niagararegion.escribemeetings.com/filestream.ashx?DocumentId=8536) – Background of Town of Niagara-on-the-Lake New Adopted Official Plan (<https://pub-niagararegion.escribemeetings.com/filestream.ashx?DocumentId=8536>)
- [CWCD 2024-190](https://www.niagararegion.ca/council/Council%20Documents/2024/council-correspondence-nov-08-2024.pdf) - Correspondence from the Minister of Municipal Affairs Ontario Regulation 525/97 and Upper-Tier Planning Authority (<https://www.niagararegion.ca/council/Council%20Documents/2024/council-correspondence-nov-08-2024.pdf>)
- [CWCD 2024-202](https://www.niagararegion.ca/council/Council%20Documents/2024/council-correspondence-dec-06-2024.pdf) - Staff Comments on Proposal regarding Upper-Tier Planning Authority (<https://www.niagararegion.ca/council/Council%20Documents/2024/council-correspondence-dec-06-2024.pdf>)

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**Prepared by:**

Britney Fricke  
Senior Planner  
Office of the Deputy CAO

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**Recommended by:**

Michelle Sergi, MCIP, RPP  
Deputy CAO  
Office of the Deputy CAO

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**Submitted by:**

Ron Tripp, P.Eng.  
Chief Administrative Officer

This report was reviewed by Erik Acs, Manager of Sustainable Communities, and Angela Stea, Director of Strategic Initiatives.

**Appendix**

Appendix 1 Letter from Minister of Municipal Affairs and Housing dated December 23, 2024

**Ministry of  
Municipal Affairs  
and Housing**

Office of the Minister  
777 Bay Street, 17th Floor  
Toronto ON M7A 2J3  
Tel.: 416 585-7000

**Ministère des  
Affaires municipales  
et du Logement**

Bureau du ministre  
777, rue Bay, 17e étage  
Toronto ON M7A 2J3  
Tél. : 416 585-7000



December 23, 2024

234-2024-5650

Regional Chair  
Jim Bradley  
Region of Niagara  
[jim.bradley@niagararegion.ca](mailto:jim.bradley@niagararegion.ca)

**Subject: Amendments to Ontario Regulation 525/97 to Exempt Certain Official Plan Matters from Approval under the *Planning Act***

Dear Jim Bradley

On November 5, 2024, I wrote to affected municipalities providing notice of the government's intent to remove land use planning responsibilities under the *Planning Act* for Durham and Waterloo Regions effective January 1, 2025, and for Niagara Region effective March 31, 2025. At the same time, I proposed regulatory amendments that would exempt certain official plan matters from approval under the *Planning Act*. I am writing again to advise you that the above-described changes to the role of Durham, Waterloo, and Niagara Regions will take effect as indicated.

At this time, I have also amended Ontario Regulation 525/97 under the *Planning Act* to exempt certain lower-tier official plan matters from the need for provincial approval and remove section 2 of the regulation given the revocation of A Place to Grow: Growth Plan for the Greater Golden Horseshoe on October 20, 2024.

Bill 23, the *More Homes Built Faster Act, 2022*, made changes that would remove land use planning responsibilities under the *Planning Act* from seven upper-tier municipalities identified in the legislation: Durham, Halton, Niagara, Peel, Simcoe, Waterloo, and York.

Through subsequent changes to the *Planning Act* made by Bill 185, the *Cutting Red Tape to Build More Homes Act, 2024*, flexibility was provided to remove planning responsibilities from upper-tier municipalities separately through proclamations, the timing for which would be subject to government decision-making.

Following the successful removal of planning authorities from the Regions of Peel, Halton, and York as of July 1, 2024, the government continues to implement Bill 23. The Regions of Waterloo and Durham will become upper-tier municipalities without planning authorities as of January 1, 2025 and the Region of Niagara will become the same as of March 31, 2025.

**Lower-Tier Planning Matters Subject to MMAH Approval (as per the *Planning Act* and Ontario Regulation 525/97 under the Act)**

Please find information on the amendment to Ontario Regulation 525/97 at the following link: [O. Reg. 560/24: EXEMPTION FROM APPROVAL \(OFFICIAL PLAN AMENDMENTS\)](https://www.ontariocanada.com/registry/view.do?postingId=49133&language=en) (<https://www.ontariocanada.com/registry/view.do?postingId=49133&language=en>)

The Ministry is aware that there are many lower-tier official plan amendments, particularly ones that are site-specific in nature, that the Regions would have previously exempted from the need for its approval. These matters would (in most cases) continue to be reviewed and adopted by the relevant lower-tier municipality without an additional level of approval.

As of January 1, 2025 for Waterloo and Durham Regions, and March 31, 2025 for Niagara Region, amendments to Ontario Regulation 525/97 exempt most municipal official plan amendments in the following lower-tier municipalities from the need for the Minister's approval:

- **Waterloo Region municipalities** – City of Cambridge, City of Kitchener, City of Waterloo, Township of North Dumfries, Township of Wellesley, Township of Wilmot, Township of Woolwich
- **Durham Region municipalities** – City of Oshawa, City of Pickering, Town of Ajax, Town of Whitby, Municipality of Clarington, Township of Brock, Township of Scugog, Township of Uxbridge
- **Niagara Region municipalities** – City of Niagara Falls, City of St. Catharines, City of Port Colborne, City of Thorold, City of Welland, Town of Fort Erie, Town of Grimsby, Town of Lincoln, Town of Pelham, Town of Niagara-on-the-Lake, Township of West Lincoln, Township of Wainfleet

As of January 1, 2025, for lower-tier municipalities in Waterloo and Durham Regions and March 31, 2025, for lower-tier municipalities in Niagara Region, the only land use planning matters which require approval by the Minister are the following:

1. New official plans;
2. Official plan amendments adopted in accordance with section 26 of the *Planning Act* (e.g., amendments completed as part of a process undertaken every 5 or 10 years to bring the official plan into conformity and consistency with provincial plans and policies); and
3. Official plan amendments establishing, changing, or revoking any policies required as part of a protected major transit station area (PMTSA) in accordance subsections 17 (15) or (16) of the *Planning Act*, including:
  - the delineation (mapping) of the PMTSA,
  - the minimum number of residents and jobs per hectare planned in the PMTSA,
  - authorized uses of any land in the PMTSA, and
  - minimum densities of any buildings and structures in the PMTSA.

Pursuant to the *Planning Act*, the applicable parts of the regional official plans for Waterloo and Durham, as of January 1, 2025, and for Niagara as of March 31, 2025, will be deemed to be part of the various lower-tier official plans. Going forward, as your municipality proceeds to review and update your official plan, I would encourage you to consider incorporating in the local municipal official plan any relevant/applicable policies and mapping from the Region's plan and revoking the deemed upper-tier plan policies to provide for a single comprehensive document and streamline downstream planning review processes.

Ministry of Municipal Affairs and Housing staff continue to be available to meet with you to answer any questions that you may have. Heather Watt – Manager, Central Municipal Services Office, can be reached at [Heather.Watt@ontario.ca](mailto:Heather.Watt@ontario.ca)

Sincerely,



Hon. Paul Calandra  
Minister of Municipal Affairs and Housing

cc. CAO, Ron Tripp