

PH5.2 - Official Plan Amendment for Bill 97 Transition - Authorizing the Continuation of Institutional and Commercial Uses in Employment Areas - Final Report

July 5, 2023





Bill 97: Helping Homebuyers, Protecting Tenants Act

Helping Homebuyers, Protecting Tenants Act

- Province introduced Bill 97 and the proposed **Provincial Planning Statement** on April 6, 2023
 - Bill 97 received Royal Assent on June 8, 2023
 - DRAFT Provincial Planning Statement commenting period closes August 4, 2023
- Bill 97 amends the definition of “area of employment”
- Provincial Planning Statement introduces a new policy framework
 - Province indicates that the new PPS definition will come into effect at the same time
 - Potential timeframe: Fall 2023

Previous Definition: “Area of employment”

Planning Act definition:

An area of land designated in an official plan for clusters of business and economic uses including, without limitation, the following uses:

- a) Manufacturing uses;
- b) Warehousing uses;
- c) Office uses;
- d) Retail uses that are associated with the uses mentioned in clauses (a) to (c); and
- e) Facilities that are ancillary to uses mentioned in clauses (a) to (d).

Amended definition: “Area of employment”

Planning Act definition*:

an area of land designated in an official plan for clusters of business and economic use, those being uses that meet the following criteria:

1. The uses consist of business and economic uses, other than the uses referred to in paragraph 2, including any of the following:
 - i. Manufacturing uses.
 - ii. Uses related to research and development in connection with manufacturing anything.
 - iii. Warehousing uses, including uses related to the movement of goods.
 - iv. Retail uses and office uses that are associated with uses mentioned in subparagraphs i to iii.
 - v. Facilities that are ancillary to the uses mentioned in subparagraphs i to iv.

Amended definition: “Area of employment”

Planning Act definition* **(exclusions)**

2. The uses are not any of the following uses:

- i. Institutional uses.
- ii. Commercial uses, including retail and office uses not referred to in subparagraph 1 iv.

***Although Bill 97 received Royal Assent, the definition and transition are awaiting Proclamation from the Lieutenant Governor**

New Employment Area Transition

- New subsections of the *Planning Act* allows municipalities to put in place Official Plan policies that authorize the continuation of uses listed under paragraph 2, provided that these uses are already lawfully established*.

***Although Bill 97 received Royal Assent, the definition and transition are awaiting Proclamation from the Lieutenant Governor**



Proposed Official Plan Amendment (OPA) 668

OPA 668 – Purpose and Intent

- Staff recommends adoption of OPA 668:
 - As first of two steps to ensure that the land with commercial uses and institutional uses in *Core Employment Areas* and *General Employment Areas* will continue to be acknowledged in policy.
 - To continue to protect employment uses over the long-term to ensure:
 - a diverse job market,
 - available land for new business investments, and
 - businesses and residents continue to have convenient access to the supplies and services they need.

Proposed Policy 4.6.1.1 (Core Employment Areas)

Pursuant to subsections 1 (1.1) and (1.2) of the *Planning Act*, uses in *Core Employment Areas* that are excluded from the definition of “area of employment” in paragraph 2 of subsection 1(1) of the *Planning Act*, are authorized to continue so long as the use has been lawfully established on the parcel of land before **[Month, Day, Year¹]**.

¹ Day before subsection 1 (1) of Schedule 6 to the *Helping Homebuyers, Protecting Tenants Act, 2023* came into force

Proposed Policy 4.6.3.1 (General Employment Areas)

Pursuant to subsections 1 (1.1) and (1.2) of the *Planning Act*, uses in *General Employment Areas* that are excluded from the definition of “area of employment” in paragraph 2 of subsection 1(1) of the *Planning Act*, are authorized to continue so long as the use has been lawfully established on the parcel of land before **[Month Day, Year¹]**.

¹ Day before subsection 1 (1) of Schedule 6 to the *Helping Homebuyers, Protecting Tenants Act, 2023* came into force

Thank You

