



# Interoffice Memorandum

**Date:** November 12, 2024

**To:** Regional Chair John Henry and Members of  
Regional Council

**From:** Brian Bridgeman, Commissioner of Planning and  
Economic Development

**Subject:** Proclamation of Durham Region's upper tier  
planning responsibilities pursuant to Bill 23

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On November 5, 2024, Minister of Municipal Affairs and Housing Paul Calandra sent the attached letter to Regional Chair John Henry and the area municipal mayors advising that “subject to government decision making, January 1, 2025 is the proposed date for removal of the land use planning responsibilities for Durham and Waterloo Regions ...”, (and March 31, 2025 for Niagara Region). The letter also informs of a regulatory posting regarding the approval of official plan matters post-proclamation. Regional staff will be commenting on this regulatory matter separately.

Bill 23 was proclaimed for Halton, Peel and York Regions, on July 1, 2024. These upper-tier municipalities were given approximately three months lead time to prepare for transition. Durham's transition is approximately seven weeks, including the holiday period.

Regional staff will work closely with the staff at all eight of the area municipalities to ensure a smooth transition of responsibility for the affected planning matters. It is expected that transition activities will continue post-January 1, 2025, with the Region providing support. For further information regarding the scope of upper tier planning activities that will continue post-proclamation, please see Report [2024-P-16](#).

The Regional Municipality of  
Durham

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**Brian Bridgeman,**  
**MCIP, RPP, PLE**  
Commissioner of Planning and  
Economic Development

Regional staff are meeting with the Area Municipal Planning Directors on November 14, 2024, to discuss transition including file transfer, training, the Region's commenting role on development applications, ongoing Ontario Land Tribunal hearings, and other matters.

The Planning Division is working with Legal Services on a draft Memorandum of Understanding (MOU) that will be circulated to the area municipalities by the end of November to clarify roles and responsibilities. As per the experience in both York and Peel, the MOUs will not likely be completed by January 1, 2025, however, a concerted effort will be undertaken to have the MOUs completed as soon as possible. It remains unclear if the province will provide a provincial/regional MOU to Durham. MOUs have not been executed to date between the province and any of the other proclaimed regions.

Regional staff will keep Council apprised of transition activities over the next few months and update, as necessary.

Regards,

Original signed by

Brian Bridgeman, MCIP RPP, PLE  
Commissioner of Planning and Economic Development

Encl.

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and Housing**

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234-2024-4549

November 5, 2024

Regional Chair  
John Henry  
Region of Durham  
john.henry@durham.ca

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

Dear Regional Chair John Henry

I am writing to advise you that subject to government decision making, January 1, 2025 is the proposed date for removal of the land use planning responsibilities for Durham and Waterloo Regions and March 31, 2025 is the proposed date for the removal of the land use planning responsibilities from Niagara Region.

Following the successful removal of upper-tier planning responsibilities in York, Halton, and Peel Region on July 1, 2024, the removal of upper-tier responsibilities for Durham and Waterloo Regions on January 1, 2025 and for Niagara Region on March 31, 2025 would help to remove duplication and support efficient land use planning decision-making.

To support this change, I am also proposing to amend Ontario Regulation 525/97 under the *Planning Act*. To help inform decision-making, there is a posting on the Regulatory Registry for public input which outlines proposed amendments to Ontario Regulation 525/97. These amendments would exempt most official plan matters of lower-tier municipalities in Durham and Waterloo Regions as of January 1, 2025 and Niagara Region as of March 31, 2025 from the need for provincial approval.

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

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As proposed, amendments to Ontario Regulation 525/97 would mean that the only official plan matters that would require provincial approval in lower-tier municipalities in the Regions of Durham and Waterloo as of January 1, 2024 and lower-tier municipalities in the Region of Niagara as of March 31, 2025, would be:

1. New official plans;
2. Official plan amendments adopted in accordance with section 26 of the *Planning Act*; and
3. Official plan amendments establishing, amending, or revoking any policies required as part of a protected major transit station area in accordance subsections 16 (15) or (16) of the *Planning Act*.

However, the province will retain the authority under the *Planning Act* to intervene where necessary in order to ensure exempt official plan amendments are in accordance with provincial policy.

In addition, decisions on land division, including both consents and plans of subdivision, are automatically assigned to lower-tier municipalities in the Regions of Durham, Waterloo, and Niagara following removal of the upper-tier municipality's land use planning responsibilities (see subsections 50 (1) and 51 (5.1) of the *Planning Act*, as revised by Bill 23). To the extent the Regions were responsible for land division matters prior to the removal of their planning responsibilities, subsections 70.13 (8) and (9) of the *Planning Act* (also added by Bill 23) assign ongoing matters to the relevant lower-tier municipality as well.

### **Request for Feedback**

The Ministry is currently seeking feedback on proposed amendments to Ontario Regulation 525/97 to take effect on January 1, 2025 and March 31, 2025. The proposed amendments have been posted on the Regulatory Registry for 30 days, until December 5, 2024.

Comments can be sent through the Regulatory Registry postings or by email to [mmahofficialplans@ontario.ca](mailto:mmahofficialplans@ontario.ca)

More information on the legislative proposal can be found on the Regulatory Registry at:

- [Proposed Amendments to Ontario Regulation 525/97 to Exempt Certain Official Plan Matters from Approval under the Planning Act](#)

I look forward to receiving your feedback on this proposal.

Sincerely,



Hon. Paul Calandra  
Minister of Municipal Affairs and Housing

cc. Regional CAO, Elaine Baxter-Trahair  
Laurie Miller, Regional Director – Ministry of Municipal Affairs and Housing