

1.4.1.3. Definition of Applicable Law (See Appendix A, Volume 2)

(1) For the purposes of section 8 of the Act, applicable law means,

(a) the statutory requirements in the following provisions with respect to the following matters:

- (i) section 5 of the *Charitable Institutions Act*, with respect to the approval by the Minister of the site and plans for a new *building* or an addition to an existing *building* used or to be used as a charitable institution,
- (i.1) section 114 of the *City of Toronto Act, 2006* with respect to the approval by the City of Toronto or the Ontario Municipal Board of plans and drawings,
- (ii) section 5 of Regulation 262 of the Revised Regulations of Ontario, 990 (General) made under the *Day Nurseries Act* with respect to the approval of plans for a new *building* to be erected or an existing *building* to be used, altered or renovated for use as a day nursery or for alterations or renovations to be made to premises used by a day nursery,
- (iii) section 194 of the *Education Act*, with respect to the approval of the Minister for the *demolition* of a *building*,
- (iv) section 6 of Regulation 314 of the Revised Regulations of Ontario, 1990 (General) made under the *Elderly Persons Centres Act* with respect to the approval of the Minister for the *construction* of a *building* project,
- (v) section 5 of the *Environmental Assessment Act* with respect to the approval of the Minister or the Environmental Review Tribunal to proceed with an undertaking,
- (vi) section 46 of the *Environmental Protection Act* with respect to the approval of the Minister to use land or land covered by water that has been used for the disposal of waste,
- (vi.1) section 47.3 of the *Environmental Protection Act*, with respect to the issuance of a renewable energy approval,
- (vii) section 168.3.1 of the *Environmental Protection Act* with respect to the *construction* of a *building* to be used in connection with a change of use of a property,
- (viii) paragraph 2 of subsection 168.6 (1) of the *Environmental Protection Act* if a certificate of property use has been issued in respect of the property under subsection 168.6 (1) of that Act,
- (ix) section 9 of Regulation 469 of the Revised Regulations of Ontario, 1990 (Equipment and Premises), made under the *Funeral Directors and Establishments Act*, with respect to the provision of the Registrar of architectural plans or drawings of the proposed *construction* or alteration of a funeral establishment,
- (x) section 14 of the *Homes for the Aged and Rest Homes Act* with respect to the approval of the Minister for the erection or alteration of a *building* for use as a home or a joint home,
- (xi) section 14 of the *Milk Act* with respect to the permit from the Director for the *construction* or alteration of any *building* intended for use as a plant,
- (xii) section 4 of Regulation 832 of the Revised Regulations of Ontario, 1990 (General) made under the *Nursing Homes Act* with respect to the provision to the Director of plans and specifications and such information and other material as may be required by the Director in respect of the *construction*, alteration, addition to or renovation of a nursing home or conversion of an existing *building* into a nursing home,
- (xiii) section 11.1 of Ontario Regulation 267/03 (General) made under the *Nutrient Management Act, 2002* with respect to a proposed *building* or structure to house farm animals or store nutrients if that regulation requires the preparation and approval of a nutrient management strategy before *construction* of the proposed *building* or structure,
- (xiv) subsection 30 (2) of the *Ontario Heritage Act* with respect to a consent of the council of a *municipality* to the alteration or *demolition* of a *building* where the council of the *municipality* has given a notice of intent to designate the *building* under subsection 29 (3) of that Act,
- (xv) section 33 of the *Ontario Heritage Act* with respect to the consent of the council of a *municipality* for the alteration of property,
- (xvi) section 34 of the *Ontario Heritage Act* with respect to the consent of the council of a *municipality* for the *demolition* of a *building*,
- (xvii) section 34.5 of the *Ontario Heritage Act* with respect to the consent of the Minister to the alteration or *demolition* of a designated *building*,
- (xviii) subsection 34.7 (2) of the *Ontario Heritage Act* with respect to a consent of the Minister to the alteration or *demolition* of a *building* where the Minister has given a notice of intent to designate the *building* under section 34.6 of that Act,
- (xix) section 42 of the *Ontario Heritage Act* with respect to the permit given by the council of a *municipality* for the erection, alteration or *demolition* of a *building*,
- (xx) section 14 of the *Ontario Planning and Development Act, 1994* with respect to any conflict between a development plan made under that Act and a zoning by-law that affects the proposed *building* or structure,
- (xxi) section 41 of the *Planning Act* with respect to the approval by the council of the *municipality* or the Municipal Board of plans and drawings,
- (xxi.1) section 42 of the *Planning Act* with respect to the payment of money or making arrangements satisfactory to the council of a *municipality* for the payment of money, where the payment is required under subsection 42 (6) of that Act,
- (xxii) section 2 of Ontario Regulation 453/96 (Work Permit — Construction) made under the *Public Lands Act* with respect to the work permit authorizing the *construction* or placement of a *building* on public land,
- (xxiii) section 34 or 38 of the *Public Transportation and Highway Improvement Act* with respect to the permit from the Minister for the placement, erection or alteration of any *building* or other structure or the use of land,

(b) the following provisions of Acts and regulations:

- (0.i) subsection 102 (3) of the *City of Toronto Act, 2006*,
- (i) sections 28 and 53 of the *Development Charges Act, 1997*,
- (ii) sections 257.83 and 257.93 of the *Education Act*,
- (iii) subsection 5 (4) of the *Environmental Assessment Act*,
- (iv) subsection 133 (4) of the *Municipal Act, 2001*,
- (v) subsection 24 (3) of the *Niagara Escarpment Planning and Development Act*,
- (vi) subsections 4 (3) and (5) of Regulation 832 of the Revised Regulations of Ontario, 1990 (General) made under the *Nursing Homes Act*,

- (vi.1) subsection 27 (3) of the *Ontario Heritage Act*,
 - (vii) section 46 of the *Planning Act*,
 - (viii) section 33 of the *Planning Act* except where, in the case of the *demolition* of a residential property, a permit to *demolish* the property is obtained under that section,
 - (c) regulations made by a conservation authority under clause 28 (1) (c) of the *Conservation Authorities Act* with respect to permission of the authority for the *construction* of a *building* or structure if, in the opinion of the authority, the control of flooding, erosion, dynamic beaches or pollution or the conservation of land may be affected by the development,
 - (d) by-laws made under section 40.1 of the *Ontario Heritage Act*,
 - (e) by-laws made under section 34 or 38 of the *Planning Act*,

 - (e.1) subject to clause (e.2), by-laws made under Ontario Regulation 608/06 (Development Permits) made under the *Planning Act*,
 - (e.2) by-laws referred to in clause (e.1) in relation to the development of land, but only with respect to the issuance of a development permit if the development of land is prohibited unless a development permit is obtained,
 - (e.3) by-laws made under Ontario Regulation 246/01 (Development Permits) made under the *Planning Act* which continue in force despite the revocation of that regulation by reason of section 17 of Ontario Regulation 608/06 (Development Permits) made under that Act,
 - (f) orders made by the Minister under section 47 of the *Planning Act* or subsection 17 (1) of the *Ontario Planning and development Act, 1994*, and
 - (g) by-laws made under any private Act that prohibit the proposed *construction* or *demolition* of the *building* unless the by-law is complied with.
- (2) For the purposes of clause 10 (2) (a) of the Act, applicable law means any general or special Act, and all regulations and by-laws enacted under them that prohibit the proposed use of the *building* unless the Act, regulation or by-law is complied with