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Implementation of Inclusionary Zoning in the City of Toronto Takes Another Step Forward

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In February, Cassels reported on the City of Toronto's adoption of Official Plan Amendment No. 524 (OPA 524), which designated sixteen Protected Major Transit Station Areas (PMTSAs) for the Downtown Area of the City of Toronto. PMTSA's are important areas around existing and proposed transit stations and stops where greater height and density is to be accommodated. These are also locations where Inclusionary Zoning may apply to require affordable housing as a condition of development. Further information on Inclusionary Zoning requirements in the City of Toronto can be found here.

Following adoption by the City, OPA 524 requires approval by the Minister of Municipal Affairs and Housing to come into force.

Despite its prior adoption by the City in February of 2022, on September 8th, the Minister posted OPA 524 to the Environmental Registry of Ontario for public consultation. The public is invited to submit comments no later than October 8, 2022.

The City's Inclusionary Zoning By-law No. 941-2021 provides transition for certain development applications submitted on or prior to the later of September 18, 2022 or notice of approval of the relevant PMTSA by the Minister pursuant to the *Planning Act*. As such, transition for these 16 PMTSAs is likely to continue well into October, 2022. Additional Official Plan Amendments relating to PMTSAs are expected to follow on the Environmental Registry in the near future.

While the decision of the Minister is not subject to appeal, recent amendments to the *Planning Act* allow the Minister to refer the OPA to the Ontario Land Tribunal for recommendations or a decision. Persons with development interests within these PMTSA's are encouraged to make their views known.

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