

# Local Planning Appeal Support Centre

**November 2018**

**Presented by:**

**Mary Lee, Executive Director, LPASC**

# From OMB to LPAT

- *Building Better Communities and Conserving Watersheds Act, 2017* came into force April 3, 2018 (“Bill 139”)
- ***Local Planning Appeal Tribunal Act, 2017***
  - establishes an independent, dispute-resolution body for planning matters; (replaces Ontario Municipal Board)
- ***Local Planning Appeal Support Centre Act, 2017***
  - creates a new independent agency with the mandate to:
    - Establish a cost-effective and efficient system to provide support services to eligible persons for matters under the *Planning Act* and the jurisdiction of the Tribunal

# Key areas of change

## **More Municipal Control**

- Council more accountable for decisions; required to defend decisions if matters move to an appeal

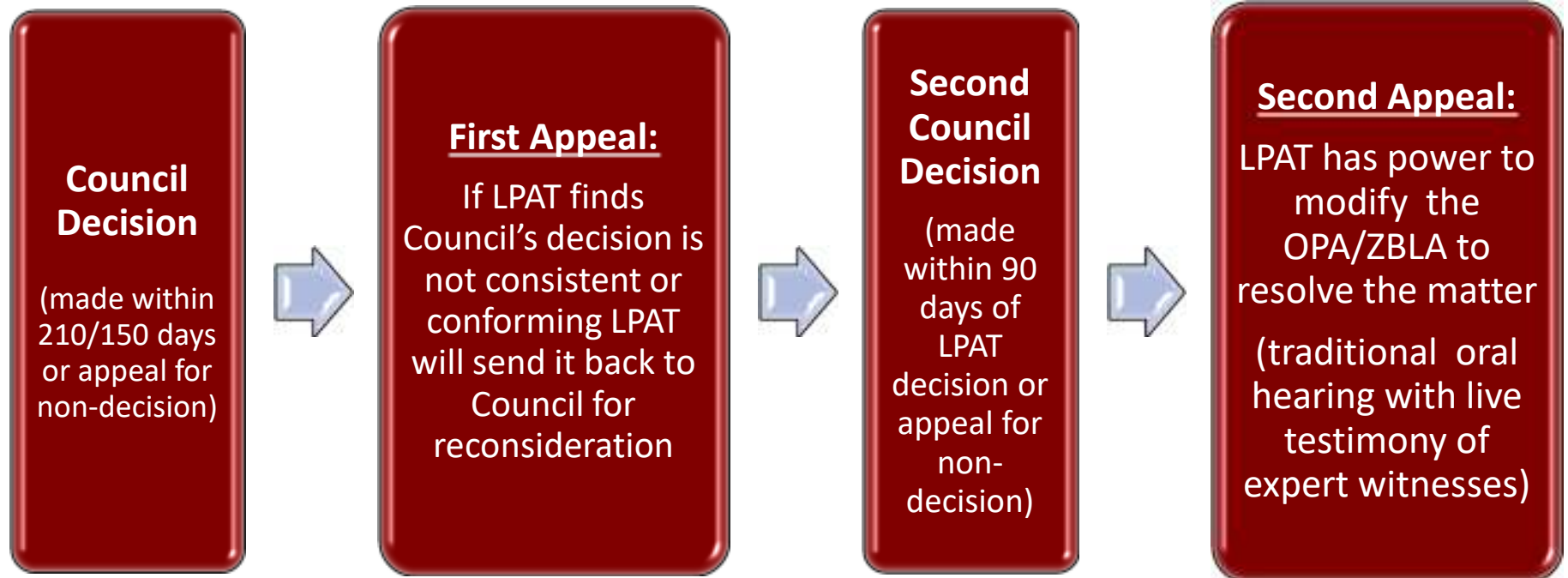
## **Strong Community Voice**

- More requirements for public engagement and transparency of public comment

## **Protecting Public Interests**

- Clearer and more regulatory provincial policy framework to direct local planning decisions
- No appeals of major provincial or ministerial decisions

# Two-stage Appeal Process: OPA & ZBLA



# Public needs to engage early

- Sharing views and interests early with municipality and developer helps to achieve outcomes that reflect the community's goals
- Making concerns known at statutory public meetings or submitting concerns in writing to council ahead of decisions will protect an individual's right to appeal

# Local Planning and Appeal Support Centre

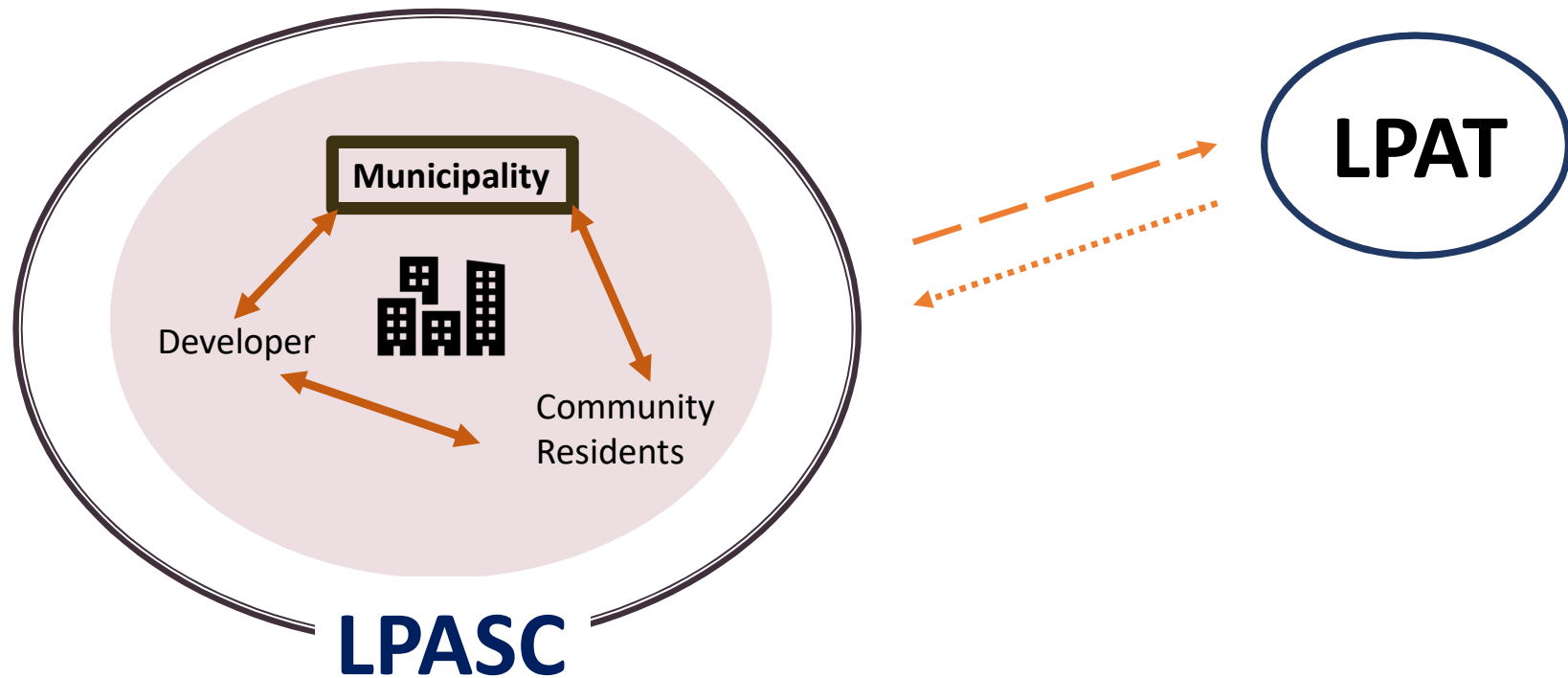
- Independent, board-governed agency
- Serving the public across Ontario from offices at 700 Bay St. 12th floor, Toronto
- **Mandate:** to provide a roster of free services that helps the public understand and navigate the land use planning and appeal process in Ontario

# Benefits of LPASC

- Help people participate meaningfully
- Provide fairer access to support
- Promote early engagement and resolution
- Reduce cost and number of appeals
- Support good decision making and planning outcomes in-line with provincial and local policies



# Support for the planning sector broadly



- Helps to ensure an effective public participant



# Interim plan for services: Information, advice and representation

## **Pre-municipal decision**, LPASC helps with:

- Understanding the planning proposal and the policy framework
- How to frame concerns in land use planning terms
- How to participate in early engagement and resolution
- How to make a submission at municipal council



# Interim plan for services: Information, advice and representation

**Post-municipal decision**, LPASC helps with:

- The appeals process; completing appeal forms
- Preparing the appeal record, case synopsis, documents and submissions
- Preparing for case management conferences, mediations and hearings
- Filing a motion



# Eligibility criteria for professional services

Cases will be assessed according to:

- **The context of the planning application or appeal:**  
Does the case have strong legal or planning merit and does it fall under the jurisdiction of the *Planning Act* and the *Local Planning Appeal Tribunal Act*?
- **The circumstances of the individual or group:**  
Does the group have the capacity to file an appeal? What is their interest in the matter?
- **The nature and extent of public interest in the matter:**  
Could your case lead to considerations by LPAT of an issue of broad interest or concern, or guide future decisions?

# Out of scope services

- TLAB appeals
- OMB appeals
- Help preparing planning applications

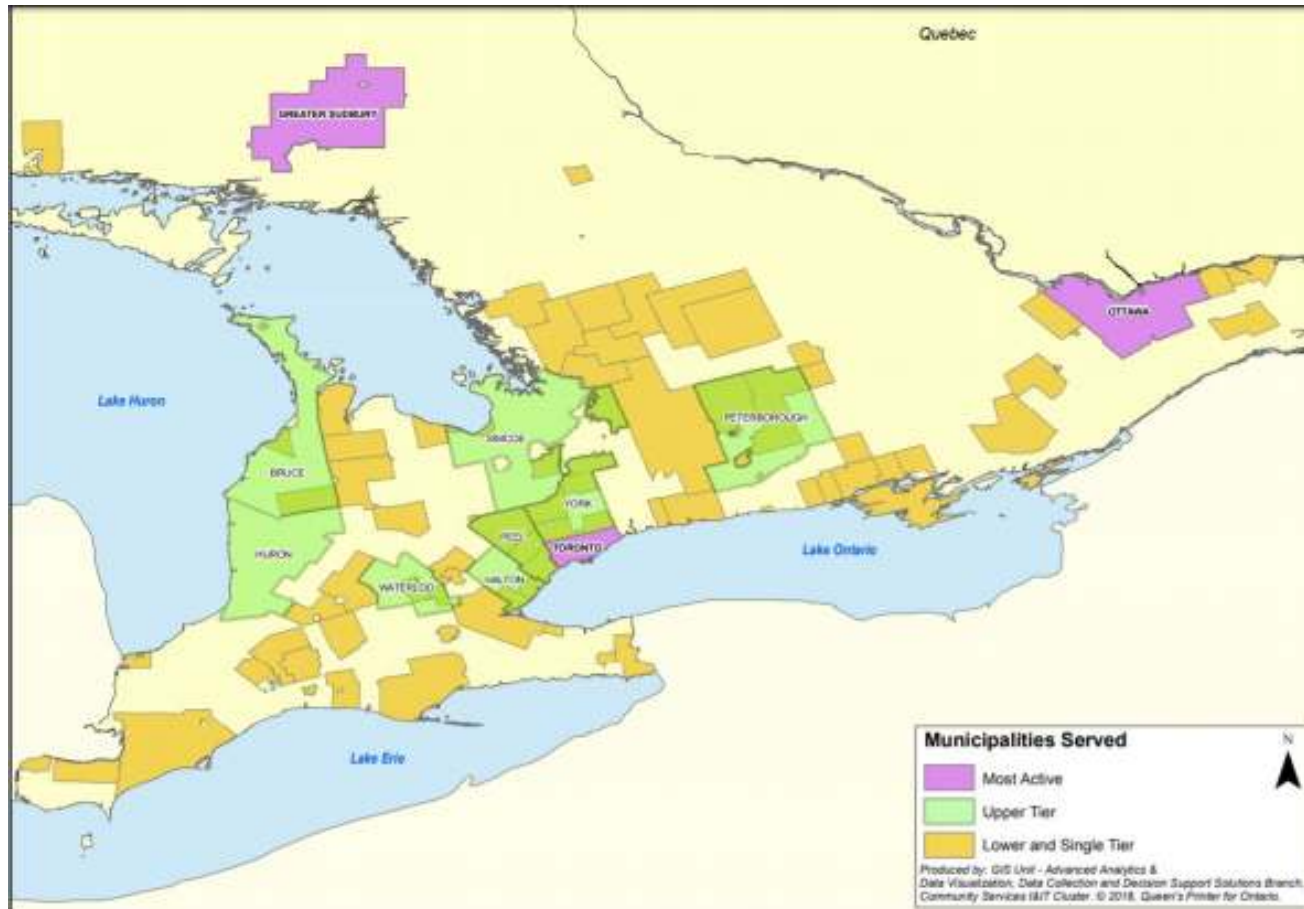


# Consultation on interim service plan

- Consultation period closed October 31, 2018
- Spoke to broad range of stakeholders to ask **“Are we meeting the needs of the Ontario public?”**
- Currently assessing feedback to develop service offering to be finalized early 2019.



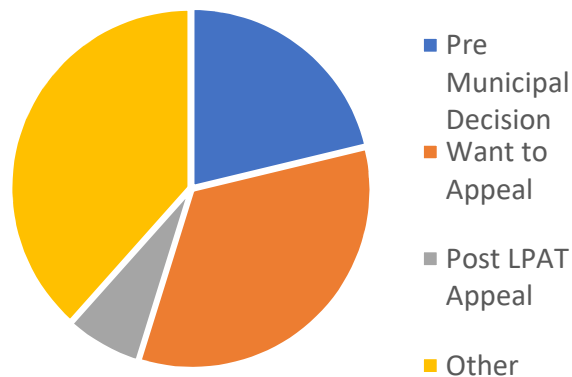
# Over 130 communities served



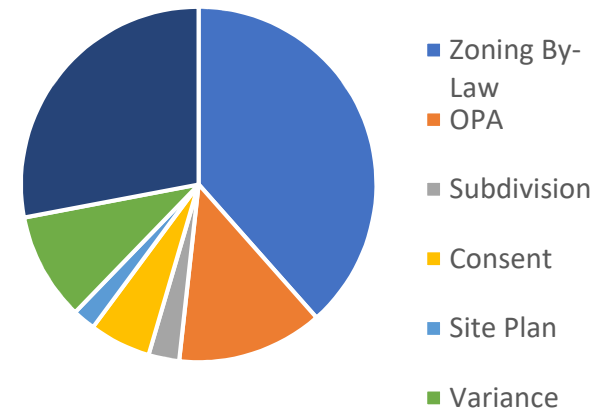
*Thunder Bay not shown here*

# Type of cases

**Cases according to stage of appeal**



**Cases according to type of appeal**



- 374 client requests, as of October 25, 2018
- Clients are interested in understanding the planning approvals process generally, including the appeals process and the relationship to other decision/ activities in their community

# Early Observations

## **Case example #1:**

- Resident concerned about a proposed mid-rise next to his farmhouse
- LPASC supported client through an early dispute resolution process focusing on issues of land use compatibility, buffering, and transition
- With the assistance of LPASC, the client (the appellant) was able to work with the municipality and the developer to come to a mutually beneficial settlement.
- LPASC provided planning advice, prepared issues lists and reviewed and commented on the site specific zoning by-law.
- Zoning by-law was amended and the client withdrew three LPAT appeals; developer pleased with outcome.



# Early Observations

## Case example #2:

- Residents' group concerned about a proposed hotel and restaurant development in their neighbourhood
- Through LPASC, the group learned that:
  - proposal was located within a serviced settlement area earmarked for growth under provincial and municipal plans
  - proposal met the policies of the official plan related to economic development and tourism
  - holding provision required the owner to meet conditions that addressed the residents' concerns
- The group decided not to appeal. Instead, they will work with the planning department and property owner to find ways to address their concerns.

# What our clients say

“The process is very complicated...the breadth is not at all accessible to the average taxpayer. It is a system that requires a lawyer and professional planner to have any chance of getting the right evidence to support the appeal.”

“Individual residents have a difficult time navigating this system. Nice to have someone who puts it in layman terms.”

“We need access to local planners to be involved in the process.”

“You are providing a very valuable service to ratepayers who, in the past, have been at a disadvantage in dealing with development projects.”

# Do you have a land use planning question?

## Contact LPASC

- Online: [www.lpasc.ca](http://www.lpasc.ca)
- Email: [info@lpasc.ca](mailto:info@lpasc.ca)
- Call: [647-499-1646](tel:647-499-1646)
- Toll-free: [1-800-993-8410](tel:1-800-993-8410)

