

# Local Planning Appeal Support Centre

**September 2018**

**Presented by:**

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**Ontario**  
Local Planning Appeal  
Support Centre

# Local Planning and Appeal Support Centre

- Established under the *Communities and Conserving Watersheds Act, 2017* (Bill 139) April 3, 2018
- Independent, board-governed agency
- Serving the public across Ontario from offices at 700 Bay St. 12th floor, Toronto
- **Mandate:** to help the public understand and navigate the land use planning and appeal process in Ontario

# Benefits

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



# Interim plan for services:

## Information, advice, and representation

### **Pre-municipal decision**, help 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**, help 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

- Open consultation until October 31, 2018
  - **Are we meeting the needs of the Ontario public?**
  - Online comment form at: [www.lpasc.ca/consultation](http://www.lpasc.ca/consultation)
- Who we are speaking to:
  - Clients / public
  - Community / residents associations
  - Municipal and provincial governments (bureaucratic and political staff)
  - Professional planners
  - Indigenous communities
  - Legal profession
  - Development industry





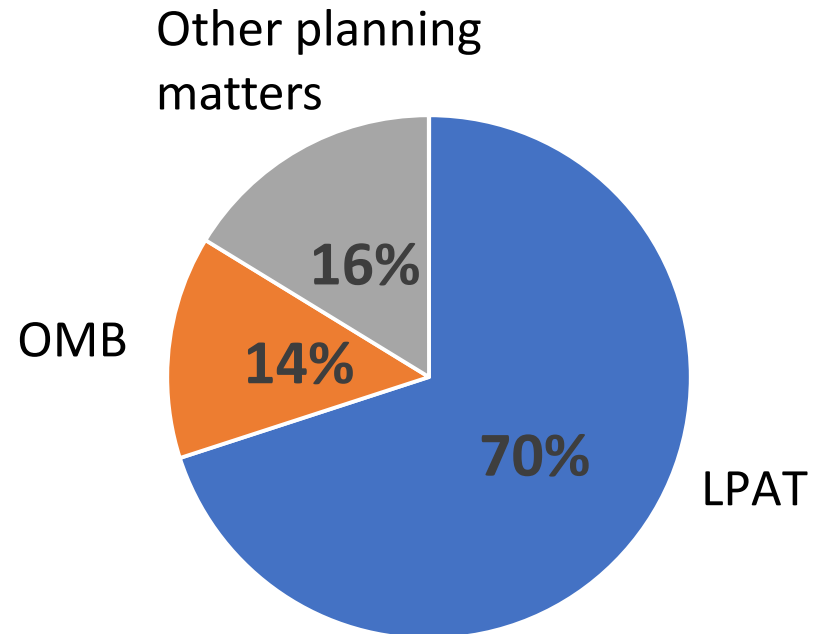
# Client cases to date

(April to September, 2018)

~ 250 cases

~ 175 LPAT cases

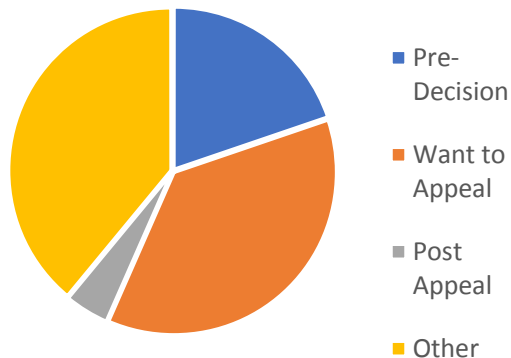
~ 35 OMB cases



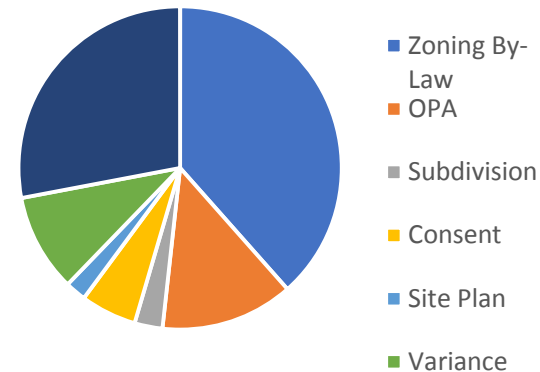
# Type of cases

(April to September, 2018)

**Cases according to stage of appeal**



**Cases according to type of appeal**



- Clients have strong desire to influence decisions and be engaged in the appeals process.
- Large number of 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

## Highlights of service to date:

- Able to assist, help resolve issues early, and inform client groups.
- Helped with early resolution of a number of cases through attendance at mediation and by providing legal and planning advice and direction.
- Involved in scoping and eliminating appeals.
- Provided legal representation and a planning expert witness at successful LPAT hearing for a consent.
- Not yet involved in LPAT hearings for major matters (e.g. for official plans or zoning change) due to early stages of new process.

# Early Observations

## Top planning issues:

1. Built form
  - Height, density, massing
  - Urban design and its integration into existing community
2. Protection of agriculture lands and alternate land uses in rural and agricultural areas
3. Lot creation



# 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.

# Early Observations

## Case example #2:

- Clients from a rural municipality were concerned about a proposal to sever an agricultural lot next to their home into four to build new homes.
- Given the proximity to the site, as well as the conditions of the soil and slope of the terrain, there was concern that the new septic systems would negatively impact potable water.
- A request for a hydrogeological assessment to evaluate the impact on the drinking water was dropped and the application was approved by the municipality.
- LPASC helped the appellant engage in discussions with the town and the developer to find alternative options to protect the water; without resolution prepared an appeal.
- Case went to an LPAT hearing where applicant withdrew proposal.



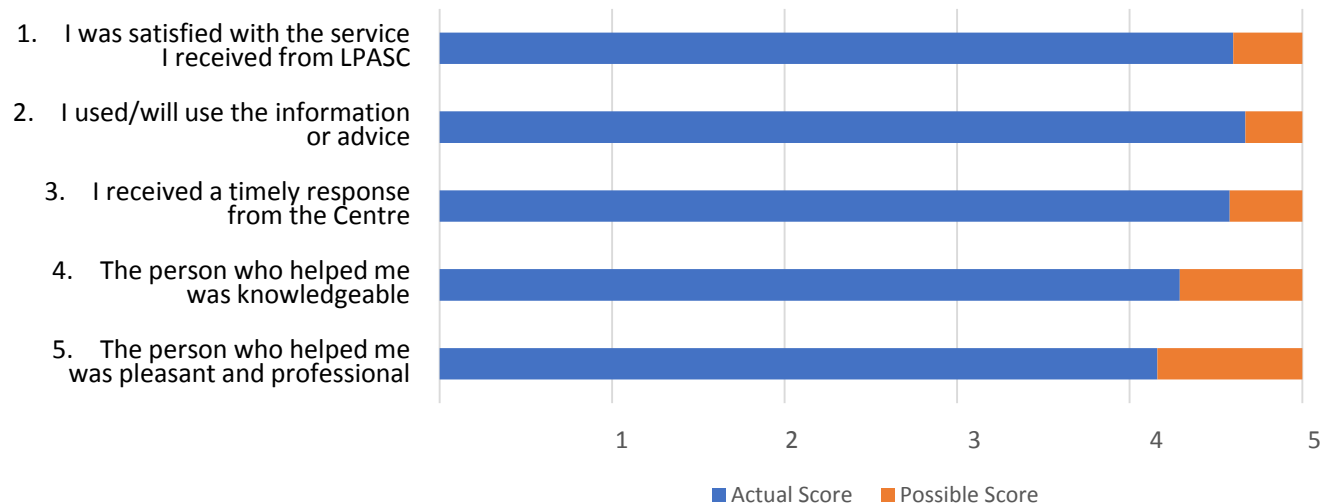
# Early Observations

## Case example #3:

- Residents' group concerned about a proposed hotel and restaurant development in their neighbourhood
- Through LPASC, the group learned that:
  - The proposal was located within a serviced settlement area earmarked for growth under provincial and municipal plans
  - The proposal met the policies of the official plan related to economic development and tourism
  - A 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.

# Client Satisfaction Survey

(April to August, 2018)



**Survey generated a 44% response rate.**

# What our clients have said

[The LPASC team was] outstanding in their support, preparation, professionalism and presentation... They clearly explained the process ahead and the outcome possibilities... Having that experience on our side was invaluable.

- Resident, Northumberland County

I just wanted to reiterate how thankful I am for your support. You went WAY above and beyond what I had hoped for when contacting you.

- Resident, Municipality of Clarington

Thank you very much for your response. It is precisely those types of specifics for which we are searching. You have been a great help.

- Resident, Guelph-Eramosa

I wanted to thank you for your assistance in helping us sort out what was best in our plight. How refreshing it was to converse with someone who actually could understand the situation!

- Resident, Prince Edward County

# 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)

