



# Local Planning Appeal Support Centre

Interim Guide to Services and Eligibility

An agency of the Government of Ontario



## August 2018

To the clients and stakeholders of LPASC,

Since opening its doors in April 2018, LPASC has been moving quickly to offer a full complement of services to support the Ontario public in planning matters. In only a few short months, clients from over 80 different communities across Ontario have sought advice and assistance from our legal and planning teams.

Growth and development are vital for Ontario's prosperity, yet our public often don't have the information or means to participate in the planning process and, potentially, to influence decisions that affect their communities. LPASC services are designed to help the public engage early in the planning process and, if necessary, navigate the appeal process effectively. Our goal is to help parties find a path to resolution as quickly as possible because we believe that is good for everyone—the municipality, the developer, the public and the Ontario taxpayer.

As a new agency of the Government of Ontario, it is imperative that we listen to our stakeholders and clients and adapt our services according to their needs. To this end, we have produced this brochure outlining our interim plan for services and their eligibility criteria. We are inviting our clients and stakeholders to provide feedback to help us further refine our plan. Please visit [www.lpasc.ca/consultation](http://www.lpasc.ca/consultation) to complete our feedback form.

We look forward to hearing from you.

Yours sincerely,

Anna Pace  
Chair, Local Planning Appeal Support Centre

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# I. INTRODUCTION

The Local Planning Appeal Support Centre ('LPASC' or 'Centre') provides free services for individuals and groups who are, or wish to become, engaged in planning matters under the *Planning Act* and within the jurisdiction of the Local Planning Appeal Tribunal ('LPAT').

The Centre provides two categories of services to individuals and groups:



**Information Services** include free information and guidance for all individuals and groups interested in understanding or participating in the land use planning and appeal process. We encourage you to consult our free Information Services before requesting Professional Services.



**Professional Services** include free professional planning and/or legal services in response to a development application, policy amendment or in support of an LPAT appeal. This will be assessed on a case-by-case basis, according to the eligibility criteria set out in section IV below. As a publicly funded organization with limited resources, the Centre gives priority to cases with strong legal or planning merits, or that raise issues of public interest, or that may have a broad impact on land use planning matters in Ontario.





## II. INFORMATION SERVICES

The Centre offers free information resources and general planning guidance that can help you understand how to get involved in land use planning matters and the appeal process. Visit our **website** or contact us by phone or email for information on:

### Land Use Planning

- Overview of the land use planning system and processes in Ontario;
- How to participate in land use planning matters;
- Legislation, provincial policies, or local official plans.

### Local Planning Appeal Tribunal

- Overview of the appeal process through the Local Planning Appeal Tribunal;
- Self-help guides, including 'How to appeal a land planning decision' and 'How to complete an appeal form.'
- Information on transition appeals.

### Local Planning Appeal Support Centre

- FAQs, case studies;
- News, articles and updates on the Centre and current developments in land use planning;
- Resource referrals.



### III. PROFESSIONAL SERVICES

If, after using our free information services, you would like more in-depth assistance regarding a planning matter or appeal, you may request free professional services. These services include planning or legal advice, legal representation, or a combination of services. We offer services province-wide from our Toronto office via email, in-person, phone, or video conferencing. If your case meets the eligibility criteria set out in section IV below, the Centre would support you at various stages of the planning approval and/or appeal process.

#### **Before an appeal has been filed with LPAT, we can:**

- Provide planning opinion(s) about your concerns with the planning application;
- Review the applicable legislation and planning policy considerations;
- Research and provide strategies on a best course of action;
- Represent or assist you in preparing for public meetings, such as mediation or negotiation;
- Review documents for the appeal.

#### **After an appeal has been filed with LPAT, we can:**

- Review and analyze the case to address your concerns;
- Review materials related to the appeal, including planning decisions, appeal records, and any other relevant evidence;
- Discuss planning and/or legal opinions about your concerns as it relates to the appeal;
- Draft documents for the appeal or responses to requests from LPAT;
- Correspond with opposing parties, including negotiate or initiate settlement on some or all issues;
- Represent or assist you in alternative dispute resolution, such as mediation or negotiation;
- Represent or assist you in preparation for hearing events, such as a prehearing or case management conference or a hearing;
- Provide expert planning evidence to support your appeal.

#### **After an LPAT decision has been made, we can:**

- Provide case-specific advice regarding:
  - Status of the appeal and/or research as it applies to your concerns;
  - Options for next steps.



## IV. ELIGIBILITY CRITERIA FOR PROFESSIONAL SERVICES

When assessing the type and level of professional services you may be eligible for, the Centre will consider:

- A The context of the planning application or appeal:** Does your case fall under the jurisdiction of the *Planning Act* and the *Local Planning Appeal Tribunal Act*?
- B The circumstances of the individual or group:** Do you, or your group, have the capacity to file an appeal? What is your direct interest in the matter?
- C 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?

### **A The Context of the Planning Application or Appeal**

1. Which legislation applies to your concerns about the application or appeal?
2. Are the issues you raise aligned with, consistent with, or conform with the Provincial and/or Regional Interests set out in the *Planning Act*, the Provincial Policy Statement, Provincial Land Use plans or regulations, or the applicable local plans?
  - For certain types of appeals, the new legislation says that only matters that do not comply with existing laws, approved planning policies, or regulations can be appealed. Making a good planning case, on its own, is not sufficient.
3. Does your case have strong legal and/or planning merits?
  - For instance, is the outcome that you are seeking possible based on the merits of the case?
4. Is the planning matter or your appeal limited by any of the following:
  - Procedural issues that cannot be met (for example, imminent deadlines),
  - Arguments that LPAT would dismiss as frivolous, for purpose of delay, not made in good faith, or pursuant to subsection 17(45) of the *Planning Act*,
  - Issues that have been or could be addressed or resolved through other avenues?
5. Does the appeal require resources or staff that are available and financially accessible by the Centre?
  - The goal of LPASC is to target its limited resources in a way that supports as many cases as possible.

### **B The Circumstances of the Individual or Group**

1. Do you/your group have appeal rights?
2. Is there any potential conflict of interest that would prevent the Centre from assisting you?



3. Did you/your group participate in the public meeting(s) that considered the issue in question prior to the municipal council decision?
4. Are you acting reasonably?
  - For example, are you willing to explore alternative dispute resolution, such as mediation, where possible?
5. Can you contribute to the cost of technical experts, if needed?
6. What is the nature and extent of your interest in the outcome?
7. Will you make any financial gains from the outcome?

## **C The Nature and Extent of Public Interest**

1. What is the nature and extent of public interest in the eventual outcome?
2. What are the implications for public policy issues raised by facts of the case?
3. Does this case help raise public awareness of one or more important or emerging land use planning issues?
4. Would the eventual outcome of the case affect a greater number of members of the public?
  - For example, would a decision on your appeal set a standard for others dealing with similar issues?
5. Are there other factors in the case that make it a good candidate for assistance and for the use of limited public funds?

### **Can decisions on eligibility be changed?**

If we assessed that your case does not meet the eligibility criteria listed above and your circumstances change or you receive new information, please contact the Centre as soon as possible. The Centre will reassess your case under the new circumstances or with the new information.

If you do not agree with a decision from the Centre regarding your eligibility, you may request a review of the decision through the Centre's complaints process.

## **V. SERVICE AGREEMENT**

Everyone is entitled to information services from the Centre. Beyond that, if your case meets the eligibility criteria for professional services, the Centre will enter into a service agreement with you that outlines the services that you will receive.

## **VI. CONTACT US**

If you have questions or would like further information on the Centre or LPAT processes, please contact us at:



1-800-993-8410   info@lpasc.ca   www.lpasc.ca

## Local Planning Appeal Support Centre

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