

Local Planning Appeal Tribunal Act, 2017

S.O. 2017, CHAPTER 23 SCHEDULE 1

PART I INTERPRETATION

Definitions

1 In this Act,

~~“approval authority” means an approval authority under section 17 of the *Planning Act*; (“autorité approbatrice”)~~

“local board” means any board, commission, committee, body or local authority established under or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of a municipality or part of a municipality, and includes the following:

1. A school board.
2. A public utility commission.
3. A transportation commission.
4. A public library board.
5. A board of park management.
6. A board of health.
7. A police services board.

Note: On a day to be named by proclamation of the Lieutenant Governor, paragraph 7 of the definition of “local board” in section 1 of the Act is amended by striking out “police services board” and substituting “police service board”. (See: 2019, c. 1, Sched. 4, s. 29)

8. A planning board; (“conseil local”)

~~“Minister” means the Attorney General or such other member of the Executive Council to whom the administration of this Act may be assigned under the *Executive Council Act*; (“ministre”)~~

“municipality” includes a local board of a municipality and a board, commission or other local authority exercising any power with respect to municipal affairs or purposes, including school purposes, in an unorganized township or unsurveyed territory; (“municipalité”)

“rules” means the rules made by the Tribunal under section 32; (“règles”)

“Tribunal” means the Local Planning Appeal Tribunal established under this Act. (“Tribunal”)

Section Amendments with date in force (d/m/y)

2019, c. 1, Sched. 4, s. 29 - not in force

PART II CONSTITUTION OF THE TRIBUNAL

Ontario Municipal Board continued as the Tribunal

2 (1) The Ontario Municipal Board is continued under the name Local Planning Appeal Tribunal in English and Tribunal d’appel de l’aménagement local in French.

References to Ontario Municipal Board

(2) A reference to the Ontario Municipal Board or to that board under any other name in any general or special Act or in any regulation is deemed to be a reference to the Tribunal.

Composition of Tribunal

3 (1) The Tribunal shall be composed of members appointed by the Lieutenant Governor in Council.

Chair, vice chair

(2) The Lieutenant Governor in Council shall appoint a chair and may appoint one or more vice-chairs from among the members of the Tribunal.

Alternate chair

(3) The Lieutenant Governor in Council shall designate one of the members of the Tribunal to be the alternate chair.

Same

(4) If the chair is unable to act, the alternate chair shall perform the duties of the chair and, for this purpose, has all the powers of the chair.

Duties of chair

(5) The chair shall have general supervision and direction over the conduct of the affairs of the Tribunal and shall arrange the sittings of the Tribunal and assign members of the Tribunal to the sittings as necessary.

Quorum

4 One member of the Tribunal constitutes a quorum and is sufficient for the exercise of all of the jurisdiction and powers of the Tribunal.

More than two members presiding

5 If more than two members of the Tribunal preside over a hearing, the number of members shall be uneven.

Term of office

6 (1) A member of the Tribunal shall be appointed for the term specified by the Lieutenant Governor in Council.

Term expires

(2) If the term of office of a member of the Tribunal who has participated in a proceeding expires before the proceeding is disposed of, the term shall be deemed to continue, but only for the purpose of disposing of the proceeding, and for no other purpose.

Employees

7 The Tribunal may appoint such employees as it considers necessary for the conduct of its affairs and the employees shall be appointed under Part III of the *Public Service of Ontario Act, 2006*.

Protection from being called as witness

8 A member or employee of the Tribunal shall not be required to give testimony in a civil suit or any proceeding with regard to information obtained by the member or employee in the discharge of their duties.

Protection from personal liability

9 (1) No action or other proceeding may be instituted against the Tribunal or a member or employee of the Tribunal for any act done or omitted in good faith in the performance or intended performance of any duty under any general or special Act or in the exercise or intended exercise of any power under any general or special Act.

Crown liability

(2) Despite subsections 5 (2) to (4) of the *Proceedings Against the Crown Act*, subsection (1) does not relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection (1) to which the Crown would otherwise be subject.

Use of meeting facility

10 If the Tribunal holds a sitting in a municipality in which there is an appropriate meeting facility belonging to the municipality, the municipality shall, upon request, allow the sitting to be held in the facility and shall make all necessary arrangements for the sitting.

**PART III
GENERAL JURISDICTION AND POWERS****Exclusive jurisdiction**

11 (1) The Tribunal has exclusive jurisdiction in all cases and in respect of all matters in which jurisdiction is conferred on it by this Act or by any other general or special Act.

Power to determine law and fact

(2) The Tribunal has authority to hear and determine all questions of law or of fact with respect to all matters within its jurisdiction, unless limited by this Act or any other general or special Act.

Power to make orders

12 (1) The Tribunal has authority to make orders or give directions as may be necessary or incidental to the exercise of the powers conferred upon the Tribunal under this Act or any other general or special Act.

Conditions in orders

(2) The Tribunal may include in an order conditions that it considers fair in the circumstances, including a condition that the order comes into force at a future fixed time or upon the performance of terms imposed by the Tribunal.

Interim orders without notice

(3) The Tribunal may make an interim order without notice, if it is of the opinion that it is necessary to do so, but no such order shall be made for any longer time than the Tribunal may consider necessary to enable the matter to be heard and determined.

Partial or other relief than that applied for

(4) Unless any general or special Act specifies otherwise in respect of a proceeding before the Tribunal, the Tribunal may, as it considers to be just and proper,

- (a) make an order granting all or part of the application; or
- (b) make an order granting relief that is additional to or different from the relief applied for.

Extension of time specified in order

(5) When an order or decision of the Tribunal requires anything to be done within a specified time, the Tribunal may, upon notice and hearing, extend the specified time.

Same

(6) Despite subsection (5), the Tribunal may extend a specified time without notice if the Tribunal is of the opinion that it is necessary to do so.

Power to enter, inspect

13 (1) A member or employee of the Tribunal may, without warrant, enter into and inspect at any reasonable time any place, other than a dwelling, where the member or employee has reason to believe there may be evidence relevant to a proceeding before the Tribunal.

Identification

(2) A person who exercises the power conferred under subsection (1) shall identify himself or herself to the owner or occupier of the place and shall explain the purpose of the entry and inspection.

Power to set, charge fees

14 (1) The Tribunal may, subject to the approval of the [Attorney General, Minister](#), set and charge fees,

- (a) in respect of proceedings brought before the Tribunal;
- (b) for furnishing copies of forms, notices or documents filed with or issued by the Tribunal or otherwise in the possession of the Tribunal; and
- (c) for other services provided by the Tribunal.

Classes

(2) The Tribunal may set and charge different fees for different classes of persons and different types of proceedings.

Same

(2) The Tribunal may treat different kinds of proceedings differently in setting fees.

Make fees public

(3) The Tribunal shall ensure that its fee structure is available to the public.

Where fees may be waived

(4) The Tribunal may waive all or any portion of fees for individuals who are determined, in accordance with the rules, to be low-income individuals.

PART IV GENERAL MUNICIPAL JURISDICTION

General municipal jurisdiction of the Tribunal

15 (1) The Tribunal has jurisdiction and power in relation to municipal affairs,

- (a) to approve the exercise in whole or in part of any of the powers by a municipality under any general or special Act that may or will involve or require the borrowing of money by the issue of debentures, or the incurring of any debt or the issuing of any debentures, which approval the municipality voluntarily applies for or is required by law to obtain;
- (b) to approve any by-law or proposed by-law of a municipality, which approval the municipality voluntarily applies for or is required by law to obtain;
- (c) to authorize the issue by a municipality, without the assent of the electors, of debentures to pay any floating indebtedness that it may have incurred, upon such terms, in such manner and at such times as the Tribunal may approve, or to direct that the floating indebtedness be paid in such other manner and within such time as the Tribunal may require;
- (d) to authorize the issue by a municipality, without the assent of the electors, of debentures to retire debentures that are redeemable before maturity, and the raising of the sum required for payment of the new debentures in the same manner as the sum required for payment of the retired debentures;
- (e) to certify to the validity of debentures issued under the authority of any by-law of a municipality that the Tribunal has approved;
- (f) to direct that before any approval is given by the Tribunal to the exercise of any powers by a municipality or to any by-law passed by it, or before any authorization is given by the Tribunal to the issue by a municipality of debentures to pay any floating indebtedness, the assent of the electors of the municipality or those who are qualified to vote on money by-laws first be obtained, even though the assent is not otherwise required;
- (g) to supervise, where considered necessary, the expenditure of any money borrowed by a municipality with the approval of the Tribunal;
- (h) to require and obtain from any municipality, at any time and for any definite period, statements in detail of any of its affairs, financial and otherwise;
- (i) to inquire at any time into any or all of the affairs, financial and otherwise, of a municipality and hold hearings and make investigations respecting those affairs as may appear necessary to be made in the interest of the municipality, its ratepayers, inhabitants and creditors and particularly to make and hold inquiries, hearings and investigations for the purpose of avoiding any default or recurrence of a default by any municipality in meeting its obligations;
- (j) when authorized by an agreement entered into by two or more municipalities in which the municipalities agree to be bound by the decision of the Tribunal, to hear and determine disputes in relation to the agreement; and
- (k) where water or sewage service is supplied or to be supplied by one municipality to another municipality, to hear and determine the application of either municipality to confirm, vary or fix rates charged or to be charged in connection with the water or sewage service.

Same

(2) Clauses (1) (c) and (d) have effect despite any general or special Act.

Voluntary application for approval of by-laws

16 A municipality may apply to the Tribunal for its approval of any by-law, the passing of which has been authorized by an order of the Tribunal made under section 25.

Application to Tribunal for approval of by-law authorizing borrowing

17 (1) A person may apply to the Tribunal for approval of a by-law of a municipality authorizing a debenture, borrowing or other debt if the person is,

- (a) the holder of the debenture or entitled to receive the debenture or the proceeds of its sale;
- (b) the person to whom the borrowing is owed by the municipality; or
- (c) the person to whom the other debt is owed by the municipality.

Tribunal may approve

(2) The Tribunal may approve a by-law in respect of which an application is made under this section.

Approval to be withheld where litigation pending

18 The Tribunal shall not grant or issue any approval or certificate under this or any other general or special Act in respect of any municipal matter if there is any pending action or proceeding relating to the matter, including an application to quash any by-law of a municipality relating to the matter.

Time for certifying validity of debentures

19 (1) The Tribunal shall not certify the validity of any debenture issued under any by-law of a municipality until thirty days after the final passing of the by-law, unless notice of the application for certification has been otherwise published or given as directed by the Tribunal.

Exception

(2) This section does not apply to any debenture authorized under clause 15 (1) (d) or to a consolidating by-law if every by-law consolidated was finally passed at least thirty days before certification.

Validation of by-laws and debentures

20 (1) An application may be made to the Tribunal for approval of a municipal by-law authorizing the issue of any debentures, and of the debentures, either before the debentures are issued by the municipality or after the issue and sale of any debentures by the municipality.

Same

(2) In respect of an application made under subsection (1), the Tribunal may approve the by-law and certify the validity of the debentures despite any omission, illegality, invalidity or irregularity in the by-law or the debentures or in any proceedings relating to or incidental to them occurring before or after the final passing of the by-law or the issuing of the debentures.

No approval if by-law quashed, etc.

(3) The Tribunal shall not approve any by-law of a municipality or certify the validity of any debentures issued under a by-law if the validity of the by-law or debenture is being questioned in any pending litigation or the by-law has been set aside, quashed or declared to be invalid by any court.

Debentures to be certified

21 If the validity of a debenture is certified by the Tribunal, it shall bear the certificate of the Tribunal in the form approved by the Tribunal establishing that the by-law under the authority of which the debenture is issued has been approved by the Tribunal and that the debenture is issued in conformity with the approval.

Validity of certified debentures

22 Despite any general or special Act, every by-law of a municipality approved by the Tribunal and every debenture issued under a by-law bearing the certificate of the Tribunal is for all purposes valid and binding upon the corporation of the municipality and its ratepayers and upon the property liable for any rate imposed under the by-law, and the validity of the by-law and the debenture shall not be contested or questioned in any manner.

Scope of Tribunal inquiry

23 (1) The Tribunal may, before approving an application by a municipality for any of the following, make inquiries into the matters described in subsection (2):

1. Approval of the exercise by a municipality of any of its powers.
2. Approval of the incurring of any debt.
3. Approval of the issue of any debentures.
4. Approval of a by-law.

Same

(2) For the purposes of subsection (1), the matters are the following:

1. The nature of the power sought to be exercised or undertaking that is proposed to be or has been proceeded with.
2. The financial position and obligations of the municipality.
3. The burden of taxation upon the ratepayers.
4. Any other matter that the Tribunal considers to be relevant.

When electors' assent may be dispensed with

24 (1) This section applies if, under any general or special Act, the assent of the electors of a municipality or of those qualified to vote on money by-laws is required before the municipality may exercise a power, incur a debt, issue a debenture or pass a by-law.

Same

(2) The Tribunal shall not approve the exercise of the power, incurring of the debt, issue of the debentures or the by-law until the assent has been obtained, unless the Tribunal, after due inquiry, is satisfied that the assent may under all the circumstances properly be dispensed with.

Same

(3) If the Tribunal is satisfied for the purposes of subsection (2), it may by order declare and direct that the assent of the electors or the qualified electors shall not be required to be obtained despite the provisions of the general or special Act.

Hearing

(4) Before making any order under subsection (3) and subject to subsections (5), (6) and (7), the Tribunal shall hold a hearing for the purpose of inquiring into the merits of the matter and hearing any objections that any person may desire to bring to the attention of the Tribunal.

Notice to provide for filing of objections

(5) The Tribunal shall provide notice of the hearing as the Tribunal considers appropriate and may direct that the notice include a statement that anyone objecting to dispensing with the assent of the electors may, within the time specified by the Tribunal, file with the clerk of the municipality or, in the case of a local board, with the secretary of the local board, the objection to dispensing with the assent of the electors.

Where no objections

(6) Where notice has been given under subsection (5), the Tribunal may, when no notice of objection has been filed within the time specified in the notice, dispense with the assent of the electors without holding a hearing.

Where objections filed

(7) If one or more objections have been filed within the time specified in the notice, the Tribunal shall hold a hearing unless, under all the circumstances affecting the matter, the Tribunal considers the objection or, if more than one, all the objections to be insufficient to require a hearing.

Hearing not required where additional expenditure approved

(8) Despite subsection (4), where the Tribunal has approved an expenditure for any purpose, it may, without holding a hearing, dispense with the assent of the electors of a municipality or of those qualified to vote on money by-laws and approve additional expenditures for the same purpose not in excess of 25 per cent of the original expenditure approved.

Conditions in dispensing with vote

(9) The Tribunal, in making any order under subsection (3) dispensing with the necessity for obtaining the assent of the electors or qualified electors, may impose such terms, conditions and restrictions not only in respect of the matter in which such order is made, but as to any further or subsequent exercise of any of the powers of the municipality or incurring of any other debt or issue of any other debentures or passing of any other by-law by such municipality as may appear necessary to the Tribunal.

Limitation re undertaking debt

25 (1) Despite any general or special Act, a municipality or board to which this subsection applies shall not authorize, exercise any of its powers to proceed with or provide money for any work or class of work if the cost or any portion of the cost of the work is to be or may be raised after the term for which the council or board was elected.

Application of subs. (1)

(2) Subsection (1) applies to a local board, other than a board as defined in subsection 1 (1) of the *Education Act*, that is entitled to apply to the council of a municipality to have money provided by the issue of debentures of the municipality.

Matters not requiring Tribunal approval

(3) Subsection (1) does not apply to,

- (a) anything done with the approval of the Tribunal, if the approval is,
 - (i) provided for by another Act or by another provision of this Act, and
 - (ii) obtained in advance;
- (b) a by-law of a municipality containing a provision to the effect that it shall not come into force until the approval of the Tribunal has been obtained;
- (c) the appointment of an engineer, land surveyor or commissioner under the *Drainage Act*;
- (d) anything done by a municipality that does not cause it to exceed the limit prescribed under subsection 401 (4) of the *Municipal Act, 2001*; or
- (e) a by-law or resolution of a local board mentioned in subsection (2) containing a provision to the effect that it shall not come into force until the approval of the municipality has been obtained.

Approval of Tribunal

(4) The approval of the Tribunal mentioned in clause (3) (a) means and, despite the decision of any court, shall be deemed always to have meant the approval of the work mentioned in subsection (1).

Definition

(5) In this section,

“work” includes any undertaking, project, scheme, act, matter or thing.

Non-application

(6) This section does not apply to the City of Toronto.

Inquiry by the Tribunal

26 Upon an application being made to the Tribunal for the approval required by section 25, the Tribunal shall proceed to deal with the application in the manner provided by and shall have regard to the matters mentioned in section 23, and may hold such hearings as may appear necessary to the Tribunal.

Tribunal may impose conditions on giving approval

27 The Tribunal may impose, as it considers necessary and as a condition of giving its approval as required by section 25, restrictions, limitations and conditions upon the municipality with respect to the matter before the Tribunal or with respect to the current annual or future annual expenditures of the municipality for any purpose or with respect to further issues of debentures by the municipality.

PART V RAILWAY AND UTILITIES JURISDICTION

Interpretation

28 In this Part,

“company” means a railway, street railway or incline railway company, and includes every such company and any person or municipal corporation having authority to construct or operate a railway or street railway or incline railway; (“compagnie”)

“public utility” means a waterworks, gasworks (including works for the production, transmission, distribution and supply of natural gas), electric heat, light and power works, telephone lines, or any works supplying the general public with necessities or conveniences; (“service public”)

“railway” means any railway that the company has authority to construct or operate, and includes all associated branches, sidings, stations, depots, wharfs, rolling stock, equipment, stores, real or personal property and works, and also any railway bridge, tunnel or other structure that the company is authorized to construct; (“chemin de fer”)

“street railway” means a railway constructed or operated along and upon a highway under an agreement with or by-law of a city or town, although it may at some point or points deviate from the highway to a right-of-way owned by the company, and includes all portions of the railway within the city or town and for a distance of not more than 2.4 kilometres beyond the limits of the city or town, and any part of an electric railway that lies within the limits of a city or town and that is constructed or operated along and upon a highway and includes buses and other vehicular means of transportation operated as part of or in connection with a street railway. (“tramway”)

Application of Part to all railways

29 The provisions of this Part relating to railways apply to all railways, including street railways.

Jurisdiction and powers of Tribunal

30 (1) The Tribunal has jurisdiction and power,

- (a) to hear and determine any application with respect to any railway or public utility, its construction, maintenance or operation by reason of the contravening of or failure to comply on the part of any person, firm, company, corporation or municipality with the requirements of this or any other general or special Act, or of any regulation, rule, by-law or order made thereunder, or of any agreement entered into in relation to such railway or public utility, its construction, maintenance or operation; and
- (b) to hear and determine any application with respect to any tolls charged by any person, firm, company, corporation or municipality operating a railway or public utility in excess of those approved or prescribed by lawful authority, or which are otherwise unlawful.

Jurisdiction over receivers, liquidators, etc.

(2) A manager or other official or the liquidator or receiver of a railway or public utility shall manage, operate or liquidate the railway or public utility in accordance with this Act and under the orders and directions of the Tribunal, whether general or referring particularly to the railway or public utility.

Same

(3) The fact that the person is managing or operating or liquidating the railway or public utility under the authority of a court is not a bar to the exercise by the Tribunal of any jurisdiction or power conferred by this or any other general or special Act.

PART VI PRACTICE AND PROCEDURE

GENERAL

Disposition of proceedings

31 (1) The Tribunal shall dispose of proceedings before it in accordance with any practices and procedures that are required under,

- (a) this Act or a regulation made under this Act;
- (b) the *Statutory Powers Procedure Act*, unless that Act conflicts with this Act, a regulation made under this Act or the Tribunal's rules; or
- (c) any other general or special Act.

Tribunal's practices and procedures

(2) The Tribunal shall, in respect of each proceeding before it, adopt any practices and procedures provided for in its rules or that are otherwise available to the Tribunal that in its opinion offer the best opportunity for a fair, just and expeditious resolution of the merits of the proceedings.

Statutory Powers Procedure Act

(3) Despite section 32 of the *Statutory Powers Procedure Act*, this Act, regulations made under this Act and the Tribunal's rules prevail over the provisions of that Act with which they conflict.

Rules

32 (1) The Tribunal may make rules governing its practices and procedures.

General or particular

(2) The rules may be of general or particular application.

Other rules

(3) Without limiting the generality of subsection (1), the rules may,

- (a) provide for and require the use of hearings or of practices and procedures that are alternatives to traditional adjudicative or adversarial procedures;

(a.1) provide for specified circumstances in which participation in mediation or other dispute resolution processes by parties to a proceeding is mandatory;

- (b) provide for and require notice to be provided in a particular manner;
- (c) authorize the Tribunal to hold hearings or other proceedings in writing or by any electronic or automated means;
- (d) authorize the Tribunal to combine two or more proceedings or any part of them, or hear two or more proceedings at the same time;
- (e) authorize the Tribunal to appoint a person from among a class of parties to a proceeding to represent the class where, in the opinion of the Tribunal, the parties have a common interest; and
- (f) provide for when and how the Tribunal may hear from a person other than a party.

Legislation Act, 2006

(4) Part III (Regulations) of the *Legislation Act, 2006* does not apply to the rules.

Failure to comply with rules

(5) Unless the Tribunal's failure to comply with the rules or its exercise of discretion under the rules in a particular manner caused a substantial wrong that affected the final disposition of a matter, neither the failure nor the exercise of discretion is a ground for setting aside a decision of the Tribunal on an application for judicial review or an appeal.

Powers of Tribunal re proceedings

Power to require case management conference

33 (1) The Tribunal may direct the parties to a proceeding before it to participate in a case management conference prior to a hearing, for the following purposes:

1. To identify additional parties to the proceeding.
2. To identify, define or narrow the issues raised by the proceeding.
3. To identify facts or evidence that may be agreed upon by the parties.
4. To provide directions for disclosure of information.
5. To discuss opportunities for resolving one or more issues in the proceeding, including the possible use of mediation or other dispute resolution processes.
- ~~5. To discuss opportunities for settlement, including the possible use of mediation or other dispute resolution processes.~~
6. To establish dates by which any steps in the proceeding are to be taken or begun.
7. To determine the length, schedule and location of a hearing, if any.
8. To determine the order of presentation of submissions.
9. To deal with any other matter that may assist in the fair, just and expeditious resolution of the issues.

Power to require alternative dispute resolution

(1.1) The Tribunal may direct the parties to a proceeding before it to participate in mediation or another dispute resolution process for the purpose of resolving one or more issues in the proceeding.

Power to examine

(2) At any stage of a proceeding, the Tribunal may,

(a) examine a party to the proceeding;

(a.1) examine a witness in the proceeding;

(b) examine a person who makes a written submission to the Tribunal with respect to the proceeding under section 33.2;

(c) require a party to the proceeding or a person who makes a written submission to the Tribunal with respect to the proceeding under section 33.2 to produce evidence for examination by the Tribunal;

~~(b) examine a person other than a party who makes a submission to the Tribunal in respect of the proceeding;~~

~~(c) require a party to the proceeding or a person other than a party who makes a submission to the Tribunal in respect of the proceeding to produce evidence for examination by the Tribunal;~~

(d) require a party to the proceeding to produce a witness for examination by the Tribunal.

Power to limit witness examination, cross-examination

(2.1) The Tribunal may limit any examination or cross-examination of a witness,

(a) if the Tribunal is satisfied that all matters relevant to the issues in the proceeding have been fully or fairly disclosed; or

(b) in any other circumstances the Tribunal considers fair and appropriate.

Power to make confidentiality orders

(3) The Tribunal may order that any document filed in a proceeding before it be treated as confidential and not be disclosed to the public, where the Tribunal is of the opinion that,

(a) matters involving public security may be disclosed; or

(b) the document contains information regarding intimate financial or personal matters or other matters that are of such a nature that the public interest or the interest of a person served by avoiding disclosure outweighs the desirability of adhering to the principle that documents filed in a proceeding be available to the public.

~~(b) the document contains information regarding intimate financial or personal matters or other matters that are of such a nature that the public interest or the interest of a person affected would be better served by avoiding disclosure, despite the desirability of adhering to the principle that documents filed in a proceeding be available to the public.~~

Power to fix costs

~~(4) Subject to any general or special Act, t~~The Tribunal may fix the costs of and incidental to any proceeding in accordance with the rules and regulations made under this Act.

Mandatory case management conference in Planning Act appeals

33.1 (1) The Tribunal shall direct the parties to an appeal under subsection 17 (24), (36) or (40), 22 (7), 34 (11) or (19) or 51 (34) of the Planning Act to participate in a case management conference prior to the hearing of the appeal, for the purposes set out under subsection 33 (1) of this Act.

Same

(2) A case management conference required under subsection (1) shall include discussion of opportunities for resolving one or more issues in the appeal, including the possible use of mediation or other dispute resolution processes.

Exception

(3) A case management conference need not be held if the parties to the appeal have entered into a settlement respecting all of the issues raised by the proceeding, despite any direction given under subsection (1).

Non-parties, written submissions only

33.2 Unless any general or special Act specifies otherwise, a person who is not a party to a proceeding before the Tribunal may make submissions to the Tribunal with respect to the proceeding in writing only.

Decisions of Tribunal to be final

34 Except as provided for in sections 35 and 37, a decision or order of the Tribunal is final and binding.

Review of Tribunal decision

35 The Tribunal may review, rescind or vary any decision or order made by it in accordance with the rules.

~~Stating case for opinion of Divisional Court~~

~~36 (1) The Tribunal may, of its own motion or upon the application of a party, state a case in writing for the opinion of the Divisional Court upon a question of law.~~

~~Submissions by the Tribunal~~

~~(2) The Divisional Court may hear submissions from the Tribunal on the stated case.~~

~~Court's opinion~~

~~(3) The Divisional Court shall hear and determine the stated case and remit it to the Tribunal with the court's opinion.~~

~~No stay~~

~~(4) Unless otherwise ordered by the Tribunal or the Divisional Court, the stating of a case to the Divisional Court under subsection (1) does not operate as a stay of a final decision or order of the Tribunal.~~

~~Application for review~~

~~(5) Within 30 days of receipt of the decision of the Divisional Court, a party to the stated case proceeding may apply to the Tribunal for a review of its original decision or order in accordance with section 35.~~

Appeal

37 (1) Subject to any general or special Act, an appeal lies from the Tribunal to the Divisional Court, with leave of the Divisional Court, on a question of law, except in respect of matters arising under Part IV.

Tribunal to receive notice

(2) A person appealing a decision or order under this section shall give to the Tribunal notice of the motion for leave to appeal.

Tribunal may be heard by counsel

(3) The Tribunal is entitled to be heard upon the argument of the appeal, including on a motion for leave to appeal.

No liability for costs

(4) Neither the Tribunal nor any member of the Tribunal is liable to any costs by reason or in respect of an appeal under this section.

PLANNING ACT APPEALS

Application of section

~~38 (1) The practices and procedures set out in sections 39, 40 and 42 apply with respect to appeals to the Tribunal under subsections 17 (24) and (36), 22 (7) and 34 (11) and (19) of the *Planning Act* of a decision made by a municipality or approval authority in respect of an official plan or zoning by law or the failure of a municipality to make a decision in respect of an official plan or zoning by law, except for an appeal,~~

- ~~—(a) that is in respect of a new decision that the municipality or approval authority was given an opportunity by the Tribunal to make, where the Tribunal determined that the decision is inconsistent with a policy statement issued under subsection 3 (1) of the *Planning Act*, fails to conform with or conflicts with a provincial plan or fails to conform with an applicable official plan;~~
- ~~—(b) where the Tribunal has received a notice from the Minister responsible for the *Planning Act*, in accordance with the *Planning Act*, that a matter of provincial interest is, or is likely to be, adversely affected by the plan or by law or the parts of the plan or by law in respect of which the appeal is made; or~~
- ~~—(c) that is an appeal under subsection 22 (7) or 34 (11) of the *Planning Act* in respect of the failure of a municipality to make a new decision that it was given an opportunity by the Tribunal to make.~~

Same

~~(2) The practices and procedures set out in sections 39, 41 and 42 apply with respect to appeals to the Tribunal under subsections 17 (40) and 51 (34) of the *Planning Act* of the failure of an approval authority to make a decision in respect of an official plan or plan of subdivision.~~

Timelines

~~(3) An appeal referred to in this section must adhere to any timelines prescribed by the regulations made under this Act.~~

Mandatory case management conference

~~39 (1) The Tribunal shall, upon receipt of the record of appeal, direct the appellant and the municipality or approval authority whose decision or failure to make a decision is being appealed to participate in a case management conference under subsection 33 (1).~~

Same

~~(2) A case management conference required under subsection (1) shall include discussion of opportunities for settlement, including the possible use of mediation or other dispute resolution processes.~~

Participation by other persons, subs. 38 (1)

~~40 (1) If a person other than the appellant or the municipality or approval authority whose decision or failure to make a decision is being appealed wishes to participate in an appeal described in subsection 38 (1), the person must make a written submission to the Tribunal respecting whether the decision or failure to make a decision,~~

- ~~—(a) was inconsistent with a policy statement issued under subsection 3 (1) of the *Planning Act*;~~
- ~~—(b) fails to conform with or conflicts with a provincial plan; or~~
- ~~—(c) fails to conform with an applicable official plan.~~

Time for submission

~~(2) The submission must be made to the Tribunal at least 30 days before the date of the case management conference.~~

Copy, certificate

~~(3) The person must serve a copy of the submission on the municipality or approval authority whose decision or failure to make a decision is being appealed and file a certificate of service with the Tribunal in the form approved by the Tribunal.~~

Additional parties

~~(4) The Tribunal may determine, from among the persons who provide written submissions, whether a person may participate in the appeal as an additional party or otherwise participate in the appeal on such terms as the Tribunal may determine.~~

Participation by other persons; subs. 38 (2)

~~41 (1) If a person other than the appellant or approval authority whose failure to make a decision is being appealed wishes to participate in an appeal described in subsection 38 (2), the person must make a written submission to the Tribunal.~~

Time for submission, service

~~(2) The time for submission and the requirements for service of the submission, if any, shall be as provided in the Tribunal's rules.~~

Additional parties

~~(3) The Tribunal may determine, from among the persons who provide written submissions, whether a person may participate in the appeal as an additional party or otherwise participate in the appeal on such terms as the Tribunal may determine.~~

Oral hearings

Appeals under subs. 38 (1)

~~42 (1) If the Tribunal holds an oral hearing of an appeal described in subsection 38 (1), the only persons who may participate in the oral hearing are the parties.~~

Appeals under subs. 38 (2)

~~(2) If the Tribunal holds an oral hearing of an appeal described in subsection 38 (2), the only persons who may participate in the oral hearing are,~~

~~— (a) the parties; and~~

~~— (b) such persons identified by the Tribunal under section 41 (3) as persons who may participate in the oral hearing.~~

Same

~~(3) At an oral hearing of an appeal described in subsection 38 (1) or (2),~~

~~— (a) each party or person may make an oral submission that does not exceed the time provided under the regulations; and~~

~~— (b) no party or person may adduce evidence or call or examine witnesses.~~

REGULATIONS

Regulations

43 (1) The Minister may make regulations,

(a) governing the practices and procedures of the Tribunal, including prescribing the conduct and format of hearings, practices regarding the admission of evidence and the format of decisions;

(b) providing for multi-member panels to hear proceedings before the Tribunal and governing the composition of such panels; and

(c) prescribing timelines applicable to proceedings on appeals to the Tribunal under the *Planning Act*.

Transitional regulations, Planning Act appeals

43.1 (1) The Minister may make regulations providing for transitional rules respecting appeals to the Tribunal under subsection 17 (24), (36) or (40), 22 (7), 34 (11) or (19) or 51 (34) of the Planning Act that were commenced before, on or after the effective date.

Same

(2) A regulation made under subsection (1) may, without limitation,

(a) determine which classes of the appeals shall be continued and disposed of under this Act as it read immediately before the effective date, and which classes of the appeals shall be continued and disposed of under this Act as it read on the effective date, subject to such modifications to the application of this Act as it read before or on the effective date as may be specified in the regulation;

(b) deem a matter or proceeding to have been commenced on the date or in the circumstances specified in the regulation.

Conflict

(3) A regulation made under subsection (1) prevails over any provision of this Act specifically mentioned in the regulation.

Definition

(4) In this section,

“effective date” means the date on which section 8 of Schedule 9 to the More Homes, More Choice Act, 2019 came into force.

Transitional

~~(2) The Minister may make regulations providing for transitional matters respecting matters and proceedings that were commenced before or after the effective date.~~

Same

~~(3) A regulation made under subsection (2) may, without limitation,~~

~~—(a) determine which classes of matters and types of proceedings may be continued and disposed of under the *Ontario Municipal Board Act*, as it read on the day before the effective date, and which classes of matters and types of proceedings must be continued and disposed of under this Act, as it read on the effective date;~~

~~—(b) deem a matter or proceeding to have been commenced on the date or in the circumstances specified in the regulation.~~

Conflict

~~(4) A regulation made under subsection (2) prevails over any provision of this Act specifically mentioned in the regulation.~~

Definition

~~(5) In this section,~~

~~“effective date” means the date on which section 1 of the *Local Planning Appeal Tribunal Act, 2017* comes into force.~~

Regulations re costs

44 The Lieutenant Governor in Council may make regulations governing the fixing of costs by the Tribunal under subsection 33 (4).

45, 46 OMITTED (AMENDS, REPEALS OR REVOKES OTHER LEGISLATION).

47 OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS ACT).

48 OMITTED (ENACTS SHORT TITLE OF THIS ACT).
