



PLANNING AND BUILDING SERVICES DEPARTMENT MEMORANDUM

TO: MAYOR J. LEHMAN, AND MEMBERS OF COUNCIL

FROM: A. BOURRIE, RPP, DIRECTOR OF PLANNING AND BUILDING SERVICES

NOTED: R. FORWARD, MBA, M.Sc., P. ENG.
GENERAL MANAGER OF INFRASTRUCTURE AND GROWTH MANAGEMENT

M. PROWSE, CHIEF ADMINISTRATIVE OFFICER

RE: BUILDING BETTER COMMUNITIES AND CONSERVING WATERSHEDS ACT,
2017 (BILL 139)

DATE: JANUARY 8, 2018

The purpose of this memorandum is to provide members of Council with an update concerning Bill 139, specifically the new Local Planning Appeal Tribunal (LPAT) and associated changes to appeals of planning decisions made by Council.

On December 12, 2017, Bill 139 received Royal Assent as the *Building Better Communities and Conserving Watersheds Act, 2017*. The OMB is continued under the name the Local Planning Appeal Tribunal (LPAT). LPAT continues to be a provincial body whose members are appointed by the Lieutenant Governor in Council. The threshold test for appeals now includes the need to explain how the part or section of the instrument (OP, Zoning By-law, etc.) is inconsistent with the PPS, fails to conform or conflicts with a provincial plan or fails to conform to the applicable upper-tier official plan. The Act also creates a two-step appeal process whereby if the LPAT determines that the appellant has met the threshold test, the municipality is given an opportunity to reconsider its decision on the matter.

Weir Foulds has provided an initial overview of the Act in a memo (attached) dated December 28, 2017. We will be working on a second memo, tentatively scheduled to be ready in early February, that will outline risks that the City needs to prepare for as well as potential changes to our planning staff report process.

Attachment: Appendix "A" – Weir Foulds Memo dated December 28, 2017



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APPENDIX "A"

WEIR FOULDS MEMO DATED DECEMBER 28, 2017