



Local Planning Appeals Tribunal (LPAT) Policy

Purpose:

The Township of Southgate Local Planning Appeal Tribunal (LPAT) Attendance Policy is to provide direction on instances that the Township will defend a By-law or Official Plan Amendment at an LPAT Hearing. The policy will reaffirm the principle that development pays for itself and will protect the public interest by ensuring that ratepayers do not contribute to costly LPAT hearings for private land development.

With respect to the Committee of Adjustment. All issues brought before a committee of adjustment are generally as a result of private development. As such all appeals to a decision of the committee of adjustment will not be defended by the Township. If deemed appropriate, the Committee of Adjustment can request Council to defend a decision but it will be at the sole discretion of Council.

Background:

When a private developer (landowner) applies to amend the Official Plan or amend the Comprehensive Zoning By-law, it should fall to that individual(s) to retain legal council and defend the application(s) before the LPAT. If the Township chooses to defend the application(s) then all rate payers are being asked to fund a cost of new development. This goes against a general principle that development pays for itself.

There are situations, however, when Council may wish to defend an application to amend the Official Plan or Comprehensive Zoning By-law, such as when the Township initiates the amendments or when, in the opinion of Council, the proposal significantly benefits the public interest.

There are other situations where Council refuses to make a decision or when the application is not deemed complete. In these instances, the applicant would appeal to the LPAT and the Township would be a party to the hearing to defend its inaction or application requirements for deeming complete.

Procedure:

1. When an appeal has been launched against a private development application that has been approved by the Township, The Township will not be a party to the LPAT hearing unless otherwise directed by Council.
2. The Township will not be a party to a LPAT hearing, initiated by a developer appeal against the Township Official Plan or Comprehensive Zoning By-law, unless the appeal relates to amendments proposed by the Township.



3. The Township will continue to be a party at LPAT hearings as it relates to Township Official Plan amendment and Comprehensive Zoning By-law amendment applications in the following circumstances:
 - a) When the applicant has appealed a non-decision and the outstanding issues have not been resolved through mediation.
 - b) When the Township refuses or approves a private development application and the applicant appeals the decision.
 - c) When an appeal is made against a Township initiated Official Plan Amendment or Comprehensive Zoning By-law Amendment.
 - d) When an applicant makes a motion to the LPAT regarding whether or not the Township has deemed an application complete or incomplete.
4. When the Township participates in an LPAT hearing and the County is also a participant and is of the same opinion as the Township on the issues at hand, The Township will seek opportunities to partner and cost share legal expenses, when appropriate, with the County of Grey.