



Municipality of Dysart et al

135 Maple Ave., P.O. Box 389,

Haliburton, ON K0M 1S0

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"The Heart of the Highlands"

HOW TO PRESERVE YOUR RIGHT OF APPEAL

PARTICIPATE

To preserve your right of appeal to the Local Planning Appeal Tribunal (LPAT) with respect to a minor variance, a zoning by-law amendment or an official plan amendment application, you must actively participate in the public review process. Specifically, the Planning Act requires that a person or public body must make oral submissions at a public meeting or make written submissions to the Municipality of Dysart et al before a decision is made on the application.

REQUEST NOTICE

To be notified of the decision on an application, you must make a written request to the Municipality of Dysart et al for *Notice of the Decision*.

SUBMITTING AN APPEAL TO A DECISION

Once a decision is made on an application, the Municipality will issue a *Notice of Decision* to all participants, who have requested notice of the decision in writing. The *Notice of Decision* will outline the final date that you can submit an appeal to a decision on a planning application.

An appeal to any decision on a planning application must be made in writing to the Municipality and submitted, with the applicable fee, prior to the final date for appealing the application.

- To appeal a decision on a minor variance application: you must submit a notice of appeal to the Municipality of Dysart et al setting out the objection to the decision and the reasons in support of the objection. This notice must be accompanied by Appellant Form (A1) of the Local Planning Appeal Tribunal (LPAT) (completed in full) and the prescribed fee of \$300.00, made payable to the Minister of Finance for Ontario. The appeal must be received by the final date of appeal.
- To appeal a decision on a zoning by-law amendment application: you must submit a notice of appeal to the Municipality of Dysart et al setting out the objection to the decision and the reasons in support of the objection. This notice must be accompanied by Appellant Form (A1) of the Local Planning Appeal Tribunal (LPAT) (completed in full) and the prescribed fee of \$300.00, made payable to the Minister of Finance for Ontario. The appeal must be received by the final date of appeal.
Note: If the appeal argues that the decision is inconsistent with a *Provincial Policy*, a *County of Haliburton Official Plan Policy* or a *Dysart et al Official Plan Policy*, the appeal must explain the inconsistency.
- To appeal a decision on an official plan amendment application: you must participate in the public review process, undertaken by the Municipality of Dysart et al. All comments received by the Municipality of Dysart et al through the public review process, will be forwarded to the County of Haliburton, who are the approval authority for official plan amendment applications.

The County of Haliburton will consider the application and all background information, including all public comments. They will make a decision on the merits of the file and will issue a *Notice of Decision*. Any person who wishes to appeal the decision of the County of Haliburton, must submit a notice of appeal to the County of Haliburton. This notice must be accompanied by Appellant Form (A1) of the Local Planning Appeal Tribunal (LPAT) (completed in full) and the prescribed fee of \$300.00, made payable to the Minister of Finance for Ontario. The appeal must be received by the final date of appeal.

SUBMITTING AN APPEAL TO A NON-DECISION

To submit an appeal on the failure of the approval authority to make a decision on a planning application, please speak with Municipal staff about the procedure prescribed by the Planning Act.



Environment and Land Tribunals Ontario
Local Planning Appeal Tribunal
655 Bay Street, Suite 1500
Toronto ON M5G 1E5
Telephone: 416-212-6349
Toll Free: 1-866-448-2248
Website: www.elto.gov.on.ca

Appellant Form (A1)

Instructions for preparing and submitting the Appellant Form (A1)

- **Important: Do not send your appeal directly to the Local Planning Appeal Tribunal (LPAT).** Submit your completed appeal form(s) and filing fee(s) by the filing deadline to either the Municipality or the Approval Authority/School Board, as applicable. The notice of decision provided by the Municipality/Approval Authority / School Board will tell you where to send the form and appeal fee.
- The Municipality/Approval Authority/School Board will forward your appeal(s) and fee(s) to the LPAT.
- We are committed to providing services as set out in the *Accessibility for Ontarians with Disabilities Act, 2005*. If you have any accessibility needs, please contact our Accessibility Coordinator as soon as possible at:
Toll free: 1-866-448-2248; or
TTY: 1-800-855-1155 via Bell relay
- E-mail is the primary form of communication used by the LPAT. Providing an e-mail address ensures prompt delivery/receipt of documents and information. Please ensure to include your e-mail address in the space provided on the appeal form.
- A filing fee of \$300 is required for each type of appeal you are filing.
Example: An appeal of an official plan and a zoning by-law would be \$300 + \$300 for a total fee of \$600.
- To view the Fee Schedule, visit the LPAT's website [<http://elto.gov.on.ca/lpat/fee-chart/>].
- The filing fee **must** be paid by certified cheque or money order, in Canadian funds, payable to the **Minister of Finance**. Do not send cash.
- **Mediation:** The *Planning Act* sets out that the Tribunal shall consider the use of mediation in appropriate circumstances. The Tribunal may also use mediation for matters under other legislation.
 - Mediation is a voluntary activity. A party or parties in a matter may request mediation or the Tribunal on its own initiative may propose mediation. Any decision about whether mediation is pursued will be determined through a mediation assessment. The assessment will consider the issues defining the matter, the respective interests of the parties engaged in the matter, and any other relevant information.
 - Information about the mediation assessment process will be provided at the time the idea of mediation is introduced to the parties. In anticipation of giving consideration to mediation, parties are encouraged to reflect on their interests.
- If you are represented by a lawyer the filing fee may be paid by a solicitor's general or trust account cheque.
- Professional representation is not required but please advise the LPAT if you retain a representative after the submission of this form.
- **Provide both an electronic copy (.pdf) and hard copy of all document submissions.**
- The *Planning Act*, *Development Charges Act*, *Education Act*, *Local Planning Appeal Tribunal Act*, and others, are available on the LPAT website [<http://elto.gov.on.ca/lpat/legislation-and-rules/>].
- Fields marked with an asterisk (*) are mandatory.



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Appellant Form (A1)

Receipt Number (LPAT Office Use Only)

LPAT Case Number (LPAT Office Use Only)

Date Stamp Appeal Received by Municipality/Approval Authority

To file an appeal, select one or more below *

- Appeal of *Planning Act* matters for Official Plans and amendments, Zoning By-Laws and amendments and Plans of Subdivision, Interim Control By-laws, Site Plans, Minor Variances, Consents and Severances, proceed to Section 1A
- Second appeal of a *Planning Act* matter for Official Plans and amendments, Zoning By-Laws and amendments, proceed to Section 1B. NOTE: Bill 139, *Building Better Communities and Conserving Watersheds Act*, 2017, allows appeals to the Tribunal of some *Planning Act* matters previously determined by LPAT.
- Appeals of other matters, including Development Charges, *Education Act*, *Aggregate Resources Act*, *Municipal Act* and Ontario Heritage, proceed to Section 1C

2. Location Information

Address and/or Legal Description of property subject to the appeal *

Municipality *

Upper Tier (Example: county, district, region)

3. Appellant/Objector Information

Note: You must notify the LPAT of any change of address or telephone number in writing. Please quote your LPAT Case/File Number(s) after they have been assigned.

Last Name *

First Name *

Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)

Email Address

Daytime Telephone Number *

ext.

Alternate Telephone Number

Mailing Address

Unit Number

Street Number *

Street Name *

PO Box

City/Town *

Province *

Country *

Postal Code *

4. Representative Information

I hereby authorize the named company and/or individual(s) to represent me

Last Name

First Name

Company Name

Professional Title

Email Address

Daytime Telephone Number

ext.

Alternate Telephone Number

Mailing Address

Unit Number

Street Number

Street Name

PO Box

City/Town

Province

Country

Postal Code

Note: If you are representing the appellant and are not licensed under the *Law Society Act*, please confirm that you have written authorization, as required by the LPAT's Rules of Practice and Procedure, to act on behalf of the appellant. Please confirm this by checking the box below.

I certify that I have written authorization from the appellant to act as a representative with respect to this appeal on his or her behalf and I understand that I may be asked to produce this authorization at any time.

5. Subject Information

Municipal Reference Number(s) *

6. Related Matters

Are there other appeals not yet filed with the Municipality?

Yes No

Are there other matters related to this appeal? (For example: A consent application connected to a variance application)

Yes No

7. Case Information

8. Required Fee

Total Fee Submitted * \$

Payment Method * ► Certified cheque Money Order Lawyer's general or trust account cheque

9. Declaration

I solemnly declare that all of the statements and the information provided, as well as any supporting documents are true, correct and complete.

Name of Appellant/Representative

Signature of Appellant/Representative

Date (yyyy/mm/dd)

Personal information or documentation requested on this form is collected under the provisions of the *Planning Act*, R.S.O. 1990 c. P. 13 and the *Local Planning Appeal Tribunal Act*. After an appeal is filed, all information relating to this appeal may become available to the public.