

**JOB AID: Changes to the Land Use Planning and Appeal System – “Before and After” Implementation Table**

The table below identifies key changes made to the land use planning and appeal system as a result of the Building Better Communities and Conserving Watersheds Act, 2017 that take effect upon proclamation.

**Disclaimer:** This table has been prepared as a training tool only. Although the table has been carefully prepared, the Ministry of Municipal Affairs and the Ministry of the Attorney General do not guarantee the accuracy or completeness of the information contained in it. The table deals in summarized fashion with complex matters and reflects legislation, policies and practices that are subject to change. The table is not a substitute for specialized legal or professional advice. Users should always refer back to the original legislation and other relevant documents when making decisions related to land use planning matters.

**More Municipal Control**

Key Changes	Legislative References	Matters Impacted	Previous Provision(s) / Requirement(s)	Intended Outcomes	Implementation Considerations
<p><b>1. Two-year “Time-out” – New Secondary Plans</b></p> <ul style="list-style-type: none"> <li>Cannot apply to amend new secondary plans for two years, unless amendment is municipally-supported</li> </ul>	<p><b>Planning Act subsections:</b></p> <p>22(2.1.1), (2.1.2) and (2.2)</p>	OPA	<p>Applications to amend a secondary plan could be made at any time</p>	<p>Give municipalities more control over development in their communities</p> <p>Support new secondary plans developed by municipalities</p> <p>Increase certainty in local planning processes, facilitate implementation of local policies</p> <p>Provide continued municipal flexibility to make amendments they feel are necessary during the “time-out”</p>	<ul style="list-style-type: none"> <li>Change removes ability to make applications to amend a <b>new</b> secondary plan for two years, unless amendment is municipality-supported</li> <li>Planning Act defines secondary plan for the purposes of this provision:                             <ul style="list-style-type: none"> <li>“...a secondary plan is a part of an official plan, added by way of an amendment, that contains policies and land use designations that apply to multiple contiguous parcels of land, but not an entire municipality, and that provides more detailed land use policy direction in respect of those parcels than was provided before the amendment” s. 22 (2.1.2)</li> </ul> </li> <li>Change shelters policies and designations that are contained within a secondary plan document - does not shelter policies that affect a secondary plan area but are not contained within the secondary plan itself (e.g. secondary plan policies which rely on cross-references to policies in parent official plan)</li> <li>Complements change introduced through Smart Growth for Our Communities Act, 2015 that provided a two-year timeout for applications to amend new official plans and comprehensive zoning by-laws</li> </ul>
<p><b>2. No Appeal of Interim Control By-laws when First Passed</b></p> <ul style="list-style-type: none"> <li>No appeal of municipal interim control by-law when first passed (except by Province)</li> </ul>	<p><b>Planning Act subsections:</b></p> <p>38 (4) and (4.1)</p>	ICBL	<p>Appeal of an interim control by-law could be made within 60 days of the passing or extension of the by-law by anyone who received notice</p>	<p>Give municipalities more control over development in their communities</p> <p>Allow municipalities to redirect limited resources from fighting appeals to carrying out the planning studies contemplated by interim control by-laws</p> <p>Reduce appeals</p>	<ul style="list-style-type: none"> <li>Change removes appeals of municipal interim control by-laws when first passed (except by Province)</li> <li>Any extension to an interim control by-law (beyond 1<sup>st</sup> year) is subject to appeal</li> <li>Interim control by-laws allow municipalities to put a “pause” on development in a specific area in order to undertake required technical studies prior to enactment of a new zoning by-law; can be passed for a period of up to one year and can be extended prior to expiry so that it can be in place for up to two years from time first passed</li> <li>Once an area is subject to an interim control by-law, another interim control by-law cannot be passed to apply to the area for a minimum three year period following the expiry of the by-law</li> </ul>

<p><b>3. More Authority for local appeal bodies (LABs)</b></p> <ul style="list-style-type: none"> <li>• Authority of LABs expanded to include adjudicating appeals related to site plans</li> </ul>	<p><b>Planning Act subsections:</b></p> <p>8.1 (6) – Expanded authority for LABs</p> <p><b>City of Toronto Act, 2006 subsections:</b></p> <p>115 (5) – Expanded authority for Toronto LAB</p>	<p>Consent / Minor Variance / Site Plan</p>	<p>Changes made in 2007 provided municipalities with authority to establish a LAB for appeals regarding applications for minor variances and consents to sever land</p>	<p>Provide option to adjudicate additional appeals locally (i.e. site plan control)</p> <p>Reduce number of appeals to provincial appeal body</p>	<ul style="list-style-type: none"> <li>• Once established, a LAB replaces the function of the Local Planning Appeal Tribunal for applications for minor variances, consents to sever land and site plan control</li> <li>• Municipalities can determine which types of those authorized appeals their LAB may adjudicate</li> <li>• Even where a LAB is empowered to hear appeals related to site plans, some site plans could still be appealed to Tribunal if linked to other applications (e.g. zoning)</li> <li>• LAB decisions are final – they are only appealable to Divisional Court and only on a question of law (and decisions on motions for directions are not appealable)</li> </ul>
<p><b>4. Longer Decision Timelines</b></p> <ul style="list-style-type: none"> <li>• Decision timelines extended for official plans, official plan amendments, zoning by-law amendments, holding by-laws</li> <li>• Consolidated timeline for zoning by-law amendment applications that are submitted together with an official plan amendment request</li> </ul>	<p><b>Planning Act subsections:</b></p> <p>17 (40) – Approval authority decision timeline for OPs</p> <p>22 (7.0.2) – Decision timeline for requests for OPAs</p> <p>34 (11) – Decision timeline for applications for ZBLAs</p> <p>34 (11.0.0.0.1) – Consolidated timeline for ZBLA applications that are submitted together with an OPA request</p> <p>36 (3) – Decision timeline for applications to remove holding symbols</p>	<p>OP / OPA ZBLA Holding By-law</p>	<p>Official plans and official plan amendments - 180 days</p> <p>Zoning by-law amendments and holding by-laws - 120 days</p>	<p>More time to assess planning matters and hear input from the public before making a decision</p> <p>More time to negotiate solutions to possible issues and potentially avoid appeals</p> <p>More efficient and timely decisions</p>	<ul style="list-style-type: none"> <li>• Certain decision making timelines have been extended by 30 days <ul style="list-style-type: none"> <li>▪ Official plans and official plan amendments - 210 days</li> <li>▪ Zoning by-law amendments and holding by-laws - 150 days</li> </ul> </li> <li>• Where there are concurrent official plan amendment and zoning by-law amendment applications to a local municipality for the same proposal (joint applications), the timeline is extended to 210 days</li> </ul>

<p><b>5. Protected Major Transit Station Area (PMTSA)</b></p> <ul style="list-style-type: none"> <li><b>New municipal tool to support transit infrastructure - new tool restricts appeals of certain parts of official plans and zoning by-laws / community planning permit by-laws in municipally-defined PMTSAs</b></li> </ul>	<p><b>Planning Act subsections:</b></p> <p>1(1) – Definition of “higher order transit”</p> <p>16 (15) to (19) – Official plan requirements and related approvals</p> <p>17(36.1.4) to (36.1.7) – Limitations on appeals regarding PMTSAs (OPs)</p> <p>22(2.1.3) and (2.2) – No ability to apply to amend PMTSA official plan policies unless support by council</p> <p>34(19.5) to (19.8) – Limitations on appeals regarding PMTSAs (ZBLs)</p>	<p>OP / OPA / ZBL / ZBA CPPS</p>	<p>Transit-supportive densities in major transit station areas were not sheltered from appeal under the Planning Act</p>	<p>Facilitate implementation of densities that support higher order transit infrastructure projects</p> <p>Give municipalities more control over development in transit corridors</p>	<p><b>Overview of Tool</b></p> <ul style="list-style-type: none"> <li>Discretionary tool for municipalities that have “higher order transit” as defined in Planning Act - “higher order transit” means transit that operates in whole or in part in a dedicated right of way, including heavy rail, light rail, buses)</li> <li>Tool restricts appeals of PMTSA matters (e.g., transit-supportive density and height) when a municipality establishes the required official plan policies and the corresponding implementing zoning by-law provisions</li> <li>Density targets are set out in Growth Plan for the Greater Golden Horseshoe and / or implementation support materials (e.g., MTO Transit-Supportive Guidelines)</li> </ul> <p><b>How It Works</b></p> <ul style="list-style-type: none"> <li>Municipalities need to signal their intent to use the PMTSA tool (e.g., use term “Protected” when developing their PMTSA framework for public consultation and submitting it for approval). Municipalities need to first delineate the boundary of the PMTSA and establish the required official plan policies (e.g., identify the uses and minimum densities to be accommodated in the PMTSA)</li> <li>Either the Province or the appropriate upper-tier municipality needs to approve the official plan policies when they are being put in place and whenever they are being changed</li> <li>Municipalities also need to align their zoning by-laws with official plan policies</li> <li>Municipalities may also identify minimum heights and/or maximum densities and heights for the PMTSAs in their official plans and zoning by-laws (or CPP by-laws)</li> <li>PMTSA policies and zoning provisions are not subject to appeal (except by Province). However, there could be appeals of other components of a PMTSA official plan amendment and related zoning/community planning permit system requirements (e.g. bonusing, lot coverage, setbacks, parking)</li> <li>Applications to amend approved PMTSA official plan policies are not allowed unless they are municipally-supported</li> <li>Municipalities can use planning tools like zoning by-laws or a community planning permit system to determine where the density should go and what form it should take</li> </ul> <p><b>Site-Specific Applications to Amend Zoning By-law Provisions within PMTSA</b></p> <ul style="list-style-type: none"> <li>Any amendment to the zoning by-law must conform with official plan policies</li> <li>If the municipality supports the application and <b>passes</b> the zoning by-law amendment, the municipality’s decision on the PMTSA elements (i.e., uses, height and density) are not appealable (except by Province)</li> <li>If the municipality <b>refuses</b> or <b>fails to make a decision</b> on the zoning by-law amendment application, the applicant may appeal but only on the basis that both: <ul style="list-style-type: none"> <li>existing zoning by-law does not reflect the policy direction set out in official plan or provincial policies and</li> <li>subject application brings zoning by-law in line with the official plan and provincial policies</li> </ul> </li> </ul>
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**Strong Community Voice**

Key Changes	Legislative References	Matters Impacted	Previous Provision(s) / Requirement(s)	Intended Outcomes	Implementation Considerations
<p><b>6. Consistency / Conformity Standard – Reducing the Local Planning Appeal Tribunal’s (LPAT) Ability to Overturn Local Decisions and Providing Municipality with Opportunity to Reconsider Matter</b></p> <ul style="list-style-type: none"> <li>• <b>Restrict appeal grounds for official plans/OPAs, zoning by-laws/ZBAs and community planning permit by-laws to <u>only</u> matters of consistency and/or conformity with provincial and/or municipal policies/plans</b></li> <li>• <b>Requirement to return matter to municipality for new decision when LPAT determines that municipal decision / settlement on a major land use planning matter did not follow provincial / local policies</b></li> <li>• <b>If a new decision on an application is not made within the timeframe, the LPAT would make the final decision</b></li> </ul>	<p><b>Planning Act subsections:</b></p> <p>17 (24.0.1) and (36.0.1) –Basis for an appeal of the adoption or approval of an official plan limited to consistency/conformity</p> <p>17 (45) and (49.1) to (49.12) – LPAT authority limited to issues of consistency/ conformity for an appeal of a decision to adopt or approve an official plan; opportunity for municipality to reconsider the matter</p> <p>22 (7.0.0.1) – Basis for an appeal of a refusal or non-decision on a request to amend an official plan limited to consistency/ conformity</p> <p>22 (11.0.4) and (11.0.8) to (11.0.19) – LPAT authority limited to issues of consistency/ conformity for an appeal of a refusal or non-decision on a request to amend an official plan; opportunity for municipality to reconsider the matter</p>	<p>OP / OPA ZBL / ZBLA CPPS</p>	<p>OMB was required to “have regard to” the decision of the local council but had authority to make any decision that council or an approval authority could have made</p>	<p>Increase deference to municipal decisions and more certainty in local planning process</p> <p>Provide municipalities with an opportunity to reassess their original decision and address any shortcomings</p>	<ul style="list-style-type: none"> <li>• Consistency / conformity standard applies to: <ul style="list-style-type: none"> <li>▪ appeals of municipal decisions / refusals on official plans, official plan amendments, zoning by-laws, zoning by-law amendments and community planning permit by-laws</li> <li>▪ appeals of municipal non-decisions for applicant-initiated official plan or zoning by-law amendment applications</li> </ul> </li> <li>• Change limits ability of LPAT to overturn decisions made by locally-elected councils – LPAT must dismiss an appeal of a local decision unless it is inconsistent with the Provincial Policy Statement (PPS), does not conform / conflicts with provincial plans, does not conform with applicable official plan (e.g. upper-tier official plan)</li> <li>• Tribunal can overturn local decision only on the basis of being inconsistent with the PPS, not conforming / conflicting with provincial plans, not conforming with applicable official plan (e.g. upper-tier official plan)</li> <li>• Municipalities will be better positioned to defend their decisions when official plans are consistent / conform with provincial policies and plans</li> <li>• Onus is on appellant to set out reasons why council decision is inconsistent / does not conform with provincial policy and/or applicable official plan</li> <li>• For appeals of a non-decision or refusal of an official plan amendment or zoning by-law amendment, the consistency / conformity standard applies and there is a two-part test. Onus is on applicant to demonstrate: 1) how their proposal would be consistent with provincial and local policies and 2) how existing official plan policies or zoning provisions fall short</li> <li>• LPAT has authority to approve a settlement to which all specified parties have agreed – LPAT is required to confirm that any such settlement aligns with provincial and local policies / plans</li> </ul> <p><b>Requirement to Return Matter to Municipality for New Decision</b></p> <ul style="list-style-type: none"> <li>• If LPAT determines a municipal decision does not follow local and / or provincial policies, the Tribunal is required to return the matter to the municipality to make a new decision</li> <li>• If a matter related to an application is returned, the municipality has up to 90 days to make a new decision</li> <li>• 90 day timeline does not apply to municipally-initiated matters</li> <li>• Municipality’s second decision would be final unless it is appealed</li> </ul> <p><b>Second Appeal</b></p> <ul style="list-style-type: none"> <li>• If the second decision is appealed, LPAT would hear the matter and make a determination on whether the second decision follows local and / or provincial policies</li> <li>• If the second decision is aligned, the municipal decision would stand</li> <li>• If the second decision is again found to be inconsistent or does not conform with local or provincial policies, LPAT would be responsible for making the final decision</li> <li>• Process gives municipality opportunity to reassess their position on a planning matter and address any shortcomings, while continuing to have the opportunity to address local matters in making a new decision</li> <li>• Could allow municipality to implement LPAT’s decision while applying local context</li> </ul>

	<p>34 (11.0.0.0.2) and (19.0.1) – Basis for an appeal of a decision to pass, refuse or a failure to make a decision on a zoning by-law/ amendment</p> <p>34 (25) and (26) to (26.3) – LPAT authority limited to issues of consistency/ conformity for an appeal of a decision to pass, refuse or a failure to make a decision on a zoning by-law/amendment; opportunity for municipality to reconsider the matter</p>				<ul style="list-style-type: none"> <li>• When reconsidering a planning application returned by LPAT, a municipality would need to reassess the application, provide notice of a public meeting, hold the public meeting and issue a new decision</li> <li>• Process gives municipality opportunity to reassess their position on a planning matter and address any shortcomings, while continuing to have the opportunity to address local matters in making a new decision</li> <li>• Could allow municipality to implement LPAT’s decision while applying local context</li> <li>• When reconsidering a planning application returned by LPAT, a municipality would need to reassess the application, provide notice of a public meeting, hold the public meeting and issue a new decision</li> </ul>
<p><b>7. Requirement to Send New Information Back to Approval Authority Requirement for LPAT to send new information and material at subdivision hearings back to approval authority for re-evaluation of original decision if the municipality requests the information and material be returned</b></p>	<p><b>Planning Act subsection:</b></p> <p>51 (52.4)</p>	<p>Plan of Subdivision</p>	<p>OMB had authority to determine whether to send new materials back to approval authorities, based on test of whether the new information would have “materially affected” appealed decision</p>	<p>Increase certainty for municipalities that would like the opportunity to review new information on a subdivision application submitted during an appeal</p>	<ul style="list-style-type: none"> <li>• Change gives approval authorities the ability to require the LPAT to send material back</li> <li>• Does not require all new information to be sent to approval authority</li> <li>• If sent back, an approval authority continues to have 60 days to reconsider its decision and make a written recommendation to the LPAT</li> </ul>
<p><b>8. LPAT Authority Limited to Matters that Were Part of Council Decision</b></p> <ul style="list-style-type: none"> <li>• Clarification that LPAT authority is limited to only dealing with parts of an official plan that were part of council’s decision</li> </ul>	<p><b>Planning Act subsection:</b></p> <p>17 (50.1)</p>	<p>OP / OPA</p>	<p>Previous Planning Act reforms limited the scope of OMB’s authority in relation to official plans</p>	<p>Support local decision-making</p> <p>Recognize the role of municipalities as primary decision makers on their official plans</p>	<ul style="list-style-type: none"> <li>• Technical change amending existing Planning Act provision to clarify that LPAT’s authority is limited to dealing with parts of an official plan that are part of council’s decision</li> <li>• Change clarifies that the Tribunal does not have authority to approve or modify any part of an official plan that is already in effect and was not added, amended, or revoked by the municipality when making its original decision</li> </ul>

## Protecting Public Interests

Key Changes	Legislative References	Matters Impacted	Previous Provision(s) / Requirement(s)	Intended Outcomes	Implementation Considerations
<b>9. No Appeal of Major Provincial Decisions</b> <ul style="list-style-type: none"> <li>No appeal of provincial decisions on official plans and major official plan updates (section 26)</li> </ul>	<b>Planning Act subsections:</b> 17 (36.5) – No appeal of a provincial decision to approve, modify or refuse all or part of an official plan  21 (3) – No appeal of a provincial decision on a major official plan update under section 26 of the Planning Act	OP / OPA	Provincial decisions, including provincial plan conformity exercises, could be appealed	Reinforce Ontario’s policy-led planning system and increase certainty regarding implementation of provincial matters  Protect important provincial interests, such as public health and safety  Reduce number of appeals, including conformity exercises to provincial plans	<ul style="list-style-type: none"> <li>Shelters major provincial decisions from appeal - change means there is no appeal of a provincial decision related to a new official plan or an official plan update where the province is the approval authority</li> <li>Change shelters upper-tier and single-tier conformity exercises from appeal where minister is approval authority and makes a decision</li> <li>An appeal can continue to be made where no provincial decision is issued within the statutory timeframe (210 days)</li> <li>Province and municipalities will continue to work together to ensure both local and provincial matters are adequately addressed</li> </ul>
<b>10. Minister’s Zoning Orders</b> <ul style="list-style-type: none"> <li>Remove mandatory referral of MZOs to the Tribunal</li> </ul>	<b>Planning Act subsections:</b> 47 (8.0.1), (10), (13) and (15)	MZO	Any party could request referral of MZO to OMB	Greater certainty regarding implementation of provincial matters  Provide Minister with final discretion on matter	<ul style="list-style-type: none"> <li>Change removes ability for anyone to require minister to refer an application to amend or revoke a MZO to Tribunal - means that MMA Minister is the final decision-maker related to any requests to amend or revoke a MZO</li> <li>MZOs have traditionally been used in situations where the Province believes that a tangible provincial interest needs to be protected or maintained, for example to facilitate employment-generating uses such as auto parts manufacturing Approach similar to Ontario Planning and Development Act, 1994 process where Minister has final discretion of disposition of matter</li> </ul>
<b>11. Climate Change</b> <ul style="list-style-type: none"> <li>Requirement for all municipal official plans to include climate change policies</li> </ul>	<b>Planning Act subsection:</b> 16 (14)	OP	Climate change policies were not explicitly required through section 16 of Planning Act which sets out goals, objectives and policies that needed to be included in municipal official plans	Support Ontario’s Climate Change Action Plan 2016-2020  Support proactive planning for climate change	<ul style="list-style-type: none"> <li>Change requires municipalities to develop and include climate change policies in their official plan</li> <li>Official plan policies must identify goals, objectives and actions to mitigate greenhouse gas emissions and adapt to a changing climate, including through increasing resiliency</li> <li>Provincial land use policies, such as the Provincial Policy Statement 2014, already require municipalities to plan for and consider the impacts of climate change; GGH Growth Plan policy requires upper and single-tier municipalities to develop climate change policies</li> <li>Legislative change complements and supports existing provincial policies</li> <li>Ministry of Environment and Climate Change is preparing guidance material to assist municipalities</li> </ul>

<p><b>12. Affordable Housing</b></p> <ul style="list-style-type: none"> <li>• Requirement for all municipal official plans to include policies dealing with the adequate provision of affordable housing</li> </ul>	<p><b>Planning Act clause:</b></p> <p>16 (1)(a.1)</p>	<p>OP</p>	<p>Policies dealing with adequate provision of affordable housing were not explicitly required through section 16 of the Planning Act which sets out goals, objectives and policies that must be included in municipal official plans</p>	<p>Support implementation of provincial policies and plans that require an adequate supply of housing, including affordable housing</p>	<ul style="list-style-type: none"> <li>• Provincial policies, such as the Provincial Policy Statement 2014, already required municipalities to plan for an appropriate range and mix of housing, including affordable housing</li> <li>• Legislative change complements existing provincial policy requirements</li> <li>• Many municipalities already include policies that address this requirement</li> </ul>
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## Supporting Citizens

Key Changes	Legislative References	Previous Provision(s) / Requirement(s)	Intended Outcomes	Implementation Considerations
<b>13. Local Planning Appeal Tribunal (LPAT)</b> Establishes LPAT as the province-wide appeal body for land use planning matters	<b>Local Planning Appeal Tribunal Act subsection:</b>  2 (1)	Appeals on land use planning matters were heard before the Ontario Municipal Board	Making the hearing process faster and fairer	<ul style="list-style-type: none"> <li>• Modernize hearing procedures and practices, and timely processes and decisions</li> <li>• Promote alternative dispute resolution and reduced number of hearings</li> </ul>
<b>14. Local Planning Appeal Support Centre (LPASC)</b> <ul style="list-style-type: none"> <li>• New agency to provide information and support on the land use planning appeal process</li> </ul>	<b>Local Planning Appeal Support Centre Act subsection:</b>  2 (1)	<p>In 2006, Ontario established the Citizen Liaison Office at the OMB to help the public understand what the OMB does and how to participate in the process</p> <p>Citizen Liaison Office provided some/limited citizen support. One employee dedicated to responding to requests for information for all tribunals under the Environment and Lands Ontario, including the OMB</p>	<p>Support citizens</p> <p>Provide information on land use planning, guidance on board procedures, and advise and representation to citizen in certain matters</p>	<ul style="list-style-type: none"> <li>• Local Planning Appeal Support Centre is established as a separate agency</li> <li>• The support centre will establish and administer a cost-effective and efficient system for providing support services to persons determined to be eligible formatters governed by the Planning Act that are under the jurisdiction of the Tribunal.</li> <li>• The support centre will provide:               <ul style="list-style-type: none"> <li>○ information on land use planning</li> <li>○ guidance on tribunal procedures</li> <li>○ advice or representation</li> <li>○ any other services prescribed by the regulations</li> </ul> </li> </ul>
<b>15. User-Friendly Websites</b> <ul style="list-style-type: none"> <li>• New, user-friendly websites for LPAT and LPASC</li> </ul>	n/a	Citizens found the website difficult to navigate and find information	<p>Provide tools participants need to effectively participate</p> <p>Increase public access to information and resources</p> <p>Provide clear information and resources to better support citizen participation</p>	<ul style="list-style-type: none"> <li>• Website will continue to be updated to provide clear information on Tribunal practices and procedures and to include:               <ul style="list-style-type: none"> <li>○ easy-to-understand educational videos on the hearing process</li> <li>○ easy access to past decisions</li> </ul> </li> </ul>
<b>16. Making LPAT Decisions Publicly-Accessible</b> <ul style="list-style-type: none"> <li>• Public posting of Tribunal decisions, including use of plain language</li> </ul>	n/a	Difficult to search for OMB past decisions	<p>Make process easier to navigate by making decisions easier to understand</p> <p>Help citizens access Tribunal decisions</p> <p>Increase transparency in process</p>	<ul style="list-style-type: none"> <li>• Adopt use of plain language to make the LPAT process more accessible</li> </ul>



## Modernized Processes and Reducing Adversarial Hearings

Key Changes	Legislative References	Previous Provision(s) / Requirement(s)	Intended Outcomes	Implementation Considerations
<b>17. Mandatory Case Management Conference Process</b> <ul style="list-style-type: none"> <li>Implement mandatory case conference process for major planning matters to narrow issues and promote settlement</li> </ul>	<b>Local Planning Appeal Tribunal Act subsections:</b>  33 (1)  39 (1), (2)	In 2008, the OMB updated its rules of practice and procedures to require mediation assessment. This allowed the Board, upon receiving an application, to review the information to determine if it should be streamed into mediation, pre-hearing or a full hearing	Allow for hearings to be held in a fair, cost-effective and expeditious manner by providing opportunities for parties and other interested persons to be brought together to identify if additional parties should be added, confirm and narrow the issues in dispute, explore opportunities for mediation and settlement and deal with any other matter  Empower the Tribunal to actively guide the proceedings in order to level the playing field and make it less adversarial for parties and participants	<ul style="list-style-type: none"> <li>Require submissions to the Tribunal to be made 30 days before the case management conference</li> <li>Make most hearings more efficient by putting in place a mandatory case management conference for the majority of appeals under the Planning Act before a case can proceed to a hearing, which may result in cases being sent to mediation or having the issues under dispute narrowed</li> </ul>
<b>18. Oral Testimony and Evidentiary Record</b> <p>Statutory rules created regarding the conduct of proceedings to limit oral testimony at oral hearings</p>	<b>Local Planning Appeal Tribunal Act subsection:</b>  32 (3)  41 (1)  42 (1), (2), (3)	No limitation on oral testimony provided and limited flexibility given to parties to determine what evidence to submit	Faster and more efficient proceedings  Shorter hearings which would save time and costs for those involved	<ul style="list-style-type: none"> <li>Reduce adversarial hearings by eliminating oral testimony in major land use planning appeals at the Tribunal</li> <li>The Act identifies who may participate in oral hearings and the time they have to make oral submissions</li> <li>On the matters that fall under the consistency / conformity test, only parties to the appeal may provide oral submissions</li> <li>On the matters that do not fall under the consistency / conformity test, but are complex, parties and other persons, as determined by the Tribunal, may provide oral submission</li> <li>No persons or parties may bring evidence or examine witnesses at oral hearings</li> </ul>
<b>19. Active Adjudication</b> <ul style="list-style-type: none"> <li>LPAT Act clarifies power to ask questions, examine a party, and require a party to produce evidence</li> </ul>	<b>Local Planning Appeal Tribunal Act subsection:</b>  33 (2)	The OMB used a formal and legalistic superior court model	An approach to hearings in which adjudicators play a more active role to simplify and expedite the hearing process, and in some case to address inequalities between parties	<ul style="list-style-type: none"> <li>Active adjudication can lead to less adversarial hearings, which can benefit all parties</li> <li>Adjudicators play a more active role in proceedings, for example, by explaining rules and procedures, scoping issues and evidence, and questioning witnesses</li> </ul>