



## COVID-19 EMERGENCY ORDER AS RELATED TO THE PLANNING ACT & LPAT

BILD Members,

Last week, the province passed an Emergency Order (O.Reg. 73/20) as part of the *Emergency Management and Civil Protection Act* to address matters related to the current COVID-19 pandemic which have had a significant impact on land use planning processes and procedures.

<https://www.ontario.ca/laws/regulation/200073>

The order states that *“any provision of any statute, regulation, rule, by-law or order of the Government of Ontario establishing any limitation period shall be suspended for the duration of the emergency, and the suspension shall be retroactive to Monday, March 16, 2020.”* It also states that *“any provision of any statute, regulation, rule, by-law or order of the Government of Ontario establishing any period of time within which any step must be taken in any proceeding in Ontario, including any intended proceeding, shall, subject to the discretion of the court, tribunal or other decision-maker responsible for the proceeding, be suspended for the duration of the emergency, and the suspension shall be retroactive to Monday, March 16, 2020.”*

### AS RELATED TO LPAT:

As a result of this Order, as many of you are aware, LPAT had issued the attached notice which outlined that they have decided:

- Not to schedule any new hearings (in-person, written, or teleconference)
- Adjourn current hearings that are in the LPAT calendar from now until June 30<sup>th</sup> to a future undetermined date
- Suspend any timelines related to procedural orders, including those related to witness statements or meeting of experts
- Suspend anything related to initiating a proceeding with the Tribunal

### UPDATE:

After a discussion on March 30<sup>th</sup> between BILD staff and LPAT Interim Associate Chairperson Marie Hubbard, **BILD has been advised that LPAT will start to be operational again, on a limited basis, primarily via electronic and tele-conferencing means, STARTING April 6<sup>th</sup>**. Although certain elements around the Order will be suspended, it will not entirely be business as usual. Ms. Hubbard emphasized that the province is working diligently to ensure LPAT staff are provided with more broadband and teleconferencing resources to facilitate its work during this period. She has indicated that she and her team will continue to be accessible, and that she looks forward to moving forward in a sensible and pragmatic way as we together navigate through the challenging times before us. Ms. Hubbard also stressed her ongoing strong commitment to housing supply and is looking to hear from the industry on reasonable ideas on how to ensure cases are heard.



Of particular note:

- LPAT has identified approximately 10 settlement hearings that will proceed. If you have an outstanding settlement hearing, you are advised to contact your specific caseworker, or failing that, to contact Board Counsel Stanley Floras.
- Although in-person hearings will not be available, written and teleconference hearings will continue, and LPAT will look sensibly on moving forward with procedural orders. We must caution and emphasize that although LPAT is looking to proceed on these matters, it will not be to the same extent that you are all familiar with.
- Recognizing the existing backlog, adjudicators will continue to work on issuing outstanding decisions

**AS RELATED TO THE PLANNING ACT:**

The *Planning Act* sets out timelines for approval authorities to make decisions, which includes: 120 days for Official Plans and OPAs, 90 days for zoning by-law amendments, 120 days for plans of subdivision and 90 days for land severances. Failure for an approval authority to make a decision within the time specified can trigger an appeal to LPAT. As a result of this Order, all *Planning Act* timelines for various planning applications have been suspended retroactive to March 16<sup>th</sup>.

We have received many member enquiries requesting clarification on this item, and we are working closely with OHBA in attempting to have your questions answered by the Ministry of Municipal Affairs and Housing. Please send any questions to [ptenuta@bildgta.ca](mailto:ptenuta@bildgta.ca). It is hoped that we can provide answers via a Ministry clarification piece.

Dave Wilkes  
President & CEO, BILD

**Environment and Land Tribunals  
Ontario**

Local Planning Appeal Tribunal

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Toronto ON M5G 1E5  
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Toll Free: 1-866-448-2248  
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**Tribunaux de l'environnement et de  
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Tribunal d'appel de l'aménagement  
local

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Site Web: www.elto.gov.on.ca



March 24, 2020

**Via Email**

**Subject: Adjournment of Hearing Events – Suspension of Timelines**

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The Government of Ontario passed an Emergency Order (O.Reg. 73/20) under the *Emergency Management and Civil Protection Act*. This Order is retroactive to March 16, 2020, and will affect proceedings before the Local Planning Appeal Tribunal in the following ways:

- The Tribunal will not schedule any hearing events, including in-person, written, or teleconference hearings, while this Emergency Order is in effect. Accordingly, notice of hearing events will not be provided or directed.
- All hearing events scheduled in the Tribunal's hearing calendar between the effective date of the Emergency Order and June 30, 2020 will be adjourned to a future date. The Tribunal will revisit and reconsider this three-month period as the circumstances change.
- All timelines within which any step must be taken in a proceeding before the Tribunal, including timelines established in the Tribunal's procedural orders are suspended for the duration of the Order.
- Any period of time for a person to initiate a proceeding with the Tribunal, or take a step in the proceeding, as set out in a statute, regulation or Tribunal Rule is suspended by O. Reg. 73/20 for the duration of this Order.

**If your appeal involved a procedural order that prescribes timelines related to exchange of witness statements, meeting of experts, or similar directions, these timelines are now suspended. Postponed hearing events will be rescheduled in the near future.**

At this time, LPAT's front counter remains closed, and mail of any type (courier, Canada Post) cannot be received. Please continue to check our website for future updates.

Sincerely;

Evelyn Dawes  
Deputy Registrar, LPAT