

**THE FOLLOWING APPEARS FOR INFORMATION PURPOSES ONLY
ACCURATE REFERENCE SHOULD BE MADE FROM THE OFFICIAL
VOLUMES OF THE PLANNING ACT OF ONTARIO, 1990, AS AMENDED.**

Under the Planning Act, 1990, the applicant or any person who has an interest in the application may within **twenty (20) days** of the Committee's Decision appeal this Decision to the Local Planning Appeal Tribunal (LPAT) by serving personally on, or sending by registered mail to, the Secretary-Treasurer of the Committee, a Notice of Appeal (<http://elto.gov.on.ca>).

The right to appeal is prescribed by law. Excerpts from the Planning Act, 1990, as amended, describing the manner in which appeals may be lodged against the Committee's Decision, and the procedures involved in the final adjudication of these appeals, have been reproduced below.

THE PLANNING ACT, 1990, AS AMENDED	
45 (12) APPEAL TO O.M.B.	The applicant, the Minister or any other person or public body who has an interest in the matter may within 20 days of the making of the decision appeal to the LPAT against the decision of the committee by filing with the secretary-treasurer of the committee a notice of appeal setting out the objection to the decision and the reasons in support of the objection accompanied by payment to the secretary-treasurer of the fee prescribed by the LPAT as payable on an appeal from a committee of adjustment to the LPAT.
45(13) IDEM	The secretary-treasurer of a committee, upon receipt of a notice of appeal filed under subsection (12), shall forthwith forward the notice of appeal and the amount of the fee mentioned in subsection (12) to the LPAT by registered mail together with all papers and documents filed with the committee of adjustment relating to the matter appealed from and such other documents and papers as may be required by the LPAT.
45(13.1) EXCEPTION	Despite subsection (13), if all appeals under subsection (12) are withdrawn within 15 days after the last day for filing a notice of appeal, the secretary-treasurer is not required to forward the materials described under subsection (13) to the LPAT.
45(13.2) DECISION FINAL	If all appeals under subsection (12) are withdrawn within 15 days after the last day for filing a notice of appeal, the decision of the committee is final and binding and the secretary-treasurer of the committee shall notify the applicant and file a certified copy of the decision with the clerk of the municipality.
45(14) WHERE NO APPEAL	If within such 20 days no notice of appeal is given, the decision of the committee is final and binding, and the secretary-treasurer shall notify the applicant and shall file a certified copy of the decision with the clerk of the municipality.
45(15) WHERE APPEALS WITHDRAWN	Where all appeals to the LPAT are withdrawn, the decision of the committee is final and binding and the secretary of the LPAT shall notify the secretary-treasurer of the committee who in turn shall notify the applicant and file a certified copy of the decision with the clerk of the municipality.
45(16) HEARING	On an appeal to the LPAT, the LPAT shall, except as provided in subsections (15) and (17), hold a hearing of which notice shall be given to the applicant, the appellant, the secretary-treasurer of the committee and to such other persons or public bodies and in such manner as the LPAT may determine.
45(17) DISMISSAL WITHOUT HEARING	Despite the <i>Statutory Powers Procedure Act</i> and subsection (16), the LPAT may dismiss all or part of an appeal without holding a hearing, on its own initiative or on the motion of any party, if, (a) it is of the opinion that, (i) the reasons set out in the notice of appeal do not disclose any apparent land use planning ground upon which the LPAT could allow all or part of the appeal, (ii) the appeal is not made in good faith or is frivolous or vexatious, (iii) the appeal is made only for the purpose of delay, or (iv) the appellant has persistently and without reasonable grounds commenced before the LPAT proceedings that constitute an abuse of process; (b) the appellant has not provided written reasons for the appeal; (c) the appellant has not paid the fee prescribed under the <i>Ontario LPAT Act</i> , or (d) the appellant has not responded to a request by the LPAT for further information within the time specified by the LPAT.
45(17.1) REPRESENTATION	Before dismissing all or part of an appeal, the LPAT shall notify the appellant and give the appellant the opportunity to make representation on the proposed dismissal but this subsection does not apply if the appellant has not complied with a request made under clause (17) (d).
45(17.2) DISMISSAL	The LPAT may dismiss all or part of an appeal after holding a hearing or without holding a hearing on the motion under subsection (17), as it considers appropriate.
45(18) POWERS OF O.M.B.	The LPAT may dismiss the appeal and may make any decision that the committee could have made on the original application.
45(18.1) AMENDED APPLICATION	On an appeal, the LPAT may make a decision on an application which has been amended from the original application if, before issuing its order, written notice is given to the persons and public bodies who received notice of the original application under subsection (5) and to other persons and agencies prescribed under that subsection.
45(18.1.1) EXCEPTION	The LPAT is not required to give notice under subsection (18.1) if, in its opinion, the amendment to the original application is minor.
45(18.2) NOTICE OF INTENT	Any person or public body who receives notice under subsection (18.1) may, not later than thirty days after the day that written notice was given, notify the LPAT of an intention to appear at the hearing or the resumption of the hearing, as the case may be.
45(18.3) ORDER	If, after the expiry of the time period in subsection (18.2), no notice of intent has been received, the LPAT may issue its order.
45(18.4) HEARING	If a notice of intent is received, the LPAT may hold a hearing or resume the hearing on the amended application or it may issue its order without holding a hearing or resuming the hearing.
45(19) NOTICE OF DECISION	When the LPAT makes an order on an appeal, the secretary of the LPAT shall send a copy thereof to the applicant, the appellant and the secretary-treasurer of the committee.
45(20) IDEM	The secretary-treasurer shall file a copy of the order of the LPAT with the clerk of the municipality.

A NOTICE OF APPEAL SHOULD BE FORWARDED TO THE FOLLOWING ADDRESS:

Attention: Clerk / Secretary-Treasurer of Committee of Adjustment

Address: Municipality of Dutton Dunwich
199 Currie Road, Dutton, ON N0L 1J0