

March 31, 2020

This article was published on March 31, 2020. For an update on the LPAT's procedures, please visit [this article](#).

On March 24, 2020, the Deputy Registrar of the Local Planning Appeal Tribunal (LPAT) issued a notice to parties and participants adjourning all hearing events and suspending all timelines. The notice is in response to the Government of Ontario's Emergency Order under the *Emergency Management and Civil Procedure Act* (Emergency Order), which suspends limitation periods, and other legislative and procedural time periods for the duration of the emergency, retroactive to March 16, 2020. For more on the Emergency Order, see Dentons' Client Alert, [here](#).

The notice sets out the Emergency Order's affect on LPAT proceedings as follows:

1. The LPAT will not schedule any hearing events, including in-person, written or teleconference hearings, while the Emergency Order is in effect;
2. All hearing events scheduled between March 16, 2020, and June 30, 2020, will be adjourned to a future date. However, the LPAT will revisit and reconsider this period as circumstances change;
3. All timelines within which any step must be taken in a proceeding, including timelines established in a procedural Order, are suspended for the duration of the Emergency Order; and
4. Any period of time for a person to initiate a proceeding, or take a step in a proceeding, as set out in a statute, regulation or LPAT Rule, is suspended for the duration of the Emergency Order.

Pursuant to the Emergency Order, the LPAT has the discretion to vary these suspensions.

The Deputy Registrar's notice also indicates that the LPAT's front counter is closed, and mail of any type cannot be received.

Hearings in Tribunal Proceedings (Temporary Measures) Act, 2020

Following the LPAT's notice, the government passed Bill 188, Ontario's *Economic and Fiscal Update Act, 2020*, which received Royal Assent on March 25, 2020. Schedule 3, the *Hearings in Tribunal Proceedings (Temporary Measures) Act, 2020* (Hearings Act) came into force upon Royal Assent, and gives tribunals greater powers to determine their own process.

While the LPAT is already empowered with the authority to do most of what the Hearings Act provides, the Hearings Act allows tribunals to make any orders or give any directions that are considered appropriate in the circumstances, including any matters ancillary to the holding of the hearing, such as notice, service or filing of materials, attendance, public access and recording of the hearing. Should the LPAT utilize its discretion to schedule hearing events during the emergency, these powers may be used to order limited public access or attendance, or permit recording.

Dentons will continue to monitor the developments resulting from COVID-19 and the province's state of emergency. If you have any questions or concerns regarding changes to LPAT procedures, and their impact on your appeal, please contact Katarzyna Sliwa or any other member of Dentons' Municipal, Land Use Planning and Development Law team.

Your Key Contacts



Katarzyna Sliwa

Partner, Toronto

D +1 416 863 4628

kat.sliwa@dentons.com



Mary Ellen Bench

Counsel, Toronto

D +1 416 863 4724

M +1 416 409 5607

maryellen.bench@dentons.com