

File No: I-OP-1801
Municipality: Town of Innisfil
Location: Town of Innisfil

Date of OP Adoption: January 17, 2018
Date of Decision: October 9, 2018
Date of Notice of Limiting Appeal: January 10, 2019
Last Date of Appeal: January 30, 2019

NOTICE OF LIMITING APPEAL PERIOD

**With Respect to an Appeal of a non-decision received by the County of Simcoe
Pursuant to Subsection 17(41.1) of the *Planning Act***

The Notice of Decision for the County of Simcoe's approval of the Town of Innisfil's Official Plan was issued on October 24, 2018, indicating an appeal period to November 13, 2018. The County of Simcoe received seven notices of appeal to the Local Planning Appeal Tribunal (LPAT) for the Town of Innisfil's Official Plan within that timeframe. Some of these appeals relate to specific non-decisions within of the County of Simcoe's approval.

Pursuant to subsection 17 (41.1) of the *Planning Act*, the County is providing this Notice to advise that any additional person or public body that wishes to appeal the specific non-decision components of the Town of Innisfil's Official Plan must do so by **January 30, 2019**, after which no additional appeals of the non-decisions, under subsection 17 (40) of the *Planning Act*, will be permitted on any part of the Official Plan.

Purpose and Effect of the Official Plan

It is a legislative requirement under Section 26 (1) of the *Planning Act*, for the council of a municipality to revise their official plan as required every 10 years to ensure that it: conforms with provincial plans or does not conflict with them, has regard to the matters of provincial interest, and is consistent with policy statements issued under Section 3 (1) of the *Planning Act*. This constitutes the provincial plan conformity exercise identified in Section 26 (2.1) of the *Planning Act*. As such, the County of Simcoe is the approval authority for local municipal official plans as per Section 17 of the *Planning Act*.

The Town of Innisfil completed the process of revising their Official Plan which was adopted on January 17, 2018. Subsequently, a decision was made by County of Simcoe Council on the date noted above to approve the Official Plan for the Town of Innisfil, as adopted by Town of Innisfil By-law No. 007-18 and modified as per Schedule 3 to Item CCW 2018-482, save and except for the following non-decision items noted below.

Non-Decisions

1. A non-decision is placed on Section 23.1.16 in Schedule 3 to Item CCW 2018-482;
2. A non-decision is placed on those lands not designated Agricultural on Schedule B: Land Use to the Town's Official Plan that are however, identified as part of the provincial Agricultural System as shown on Schedule BB: Agricultural Land Base to the Town's Official Plan. The lands subject to this non-decision are specifically identified on a County Reference Map available on the County website at the following link <http://www.simcoe.ca/Planning/Documents/Innisfil%20OP%20Non-Decision%20Lands%20-%20Reference%20Map.pdf>; and
3. A non-decision is placed on certain lands surrounding the Settlement Area of Churchill as identified on Schedule 5 to Item CCW 2018-482.

When and How to File an Appeal

Any appeal to the Local Planning Appeal Tribunal must be filed with the Clerk of the County of Simcoe no later than 20 days from the date of this notice, shown above as the last date of appeal.

An appeal may only be made on the basis that the part of the decision to which the notice of appeal relates is inconsistent with a policy statement, fails to conform with or conflicts with a provincial plan or, in the case of the official plan of a lower-tier municipality, fails to conform with the upper-tier municipality's official plan.

The appeal should be sent to the attention of John Daly, County Clerk, at the address shown below and it must:

- (1) set out the specific part of the proposed official plan or official plan amendment to which the appeal applies;
- (2) explain how the part of the decision to which the notice of appeal relates is inconsistent with a policy statement, fails to conform with or conflicts with a provincial plan or, in the case of the official plan of a lower-tier municipality, fails to conform with the upper-tier municipality's official plan;
- (3) include a completed Tribunal Appellant Form (A1); and,

- (4) Be accompanied by the fee charged under the *Local Planning Appeal Tribunal Act 2017* in the amount of \$300.00, payable by certified cheque to the Minister of Finance, Province of Ontario.

Please refer to the Tribunal website for the Appellant Form (A1) and more information on filing an appeal (<http://elto.gov.on.ca/tribunals/lpat/about-lpat/>).

Who Can File an Appeal

Only individuals, corporations or public bodies may appeal the failure of the approval authority to make a decision to the Local Planning Appeal Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

No person or public body shall be added as a party to the hearing of the appeal unless, before the plan was adopted, the person or public body made oral submissions at a public meeting or written submissions to the council or, in the opinion of the Tribunal, there are reasonable grounds to add the person or public body as a party.

When the Decision is Final

The decision of the County of Simcoe is final if a Notice of Appeal is not received on or before the last day for filing a notice of appeal (please refer to the Last Date of Appeal noted above).

Getting Additional Information

Additional Information about the application is available for public inspection during regular office hours at the County of Simcoe at the address noted below, from the office of the municipality noted above, or by contacting the County of Simcoe Planning Department at (705) 726-9300.

Mailing Address for Filing a Notice of Appeal

County Clerk
County of Simcoe
Administration Centre,
1110 Highway 26, Midhurst, ON L9X 1N6

Attention: John Daly, County Clerk
Telephone: (705) 726-9300 - Ext. 1623