

Environment and Land Tribunals Ontario Local Planning Appeal Tribunal

655 Bay Street, Suite 1500 Toronto ON M5G 1E5

Telephone: Toll Free: 416-212-6349 1-866-448-2248

Website:

www.elto.gov.on.ca

Municipal/Approval Authority Submission

Instructions for preparing the Municipal Submission Form

For help navigating the LPAT appeals process, practices and procedures, please see information on the LPAT website http://elto.gov.on.ca/tribunals/lpat/lpat-process/

- Material and information is to be forwarded to the Local Planning Appeal Tribunal (LPAT) by the Municipality/
 Approval Authority within 15 days after the last day for filing a notice of appeal (or as otherwise directed by
 legislation). Please check the section of the Act under which the appeal(s) has/have been filed.
- We are committed to providing services as set out in the *Accessibility for Ontarians with Disabilities Act*, 2005. If you have any accessibility needs, please contact our Accessibility Coordinator as soon as possible at:

Toll free: 1-866-448-2248; or

TTY: 1-800-855-1155 via Bell relay

- E-mail is the primary form of communication used by the LPAT. Providing an e-mail address ensures prompt delivery/receipt of documents and information. Please include e-mail addresses for all contacts in the space provided on this form.
- The checklist(s) of required supplementary documentation is included at the end of the form and **must** be submitted in the **order** listed in the checklist(s) with the appeal form(s) and fee(s) that the municipality/approval authority received.
- To assist in the timely processing of the appeal package, please prepare the package in the following manner:
 - Single-sided only.
 - No staples. Please keep the documents held together with a clip or elastic only.
 - No binding.
 - Letter size (8 ½ x 11") and legal size (8 ½ x 14") documents only.
- Should you need more room to provide a further explanation to any sections throughout this form, please attach a separate letter to the back of the form.
- Provide both an electronic copy (.pdf) and paper copy for all document submissions as outlined in the attached checklist(s). The electronic submissions are to be provided by a USB Key.
- Submit your completed Municipal/Approval Authority Submission Form with the checklist(s) and the required documents including the appeal form(s) or letter(s) and filing fee(s) to the LPAT by the filing deadline.
- The Planning Act, Development Charges Act, Education Act, Local Planning Appeal Tribunal Act, and others, are available on the LPAT website [http://elto.gov.on.ca/lpat/legislation-and-regulations/].



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Municipal/ Approval Authority Submission

LPAT Case N	lumber (LPAT	Office Use Only)

To forward an appeal, select one or more below

√	Appeal of <i>Planning Act</i> matters for Official Plans and amendments, Zoning By-Laws and amendments and Plans of Subdivision, Interim Control By-laws, Site Plans, Minor Variances, Consents and Severances, proceed to Section 1A.
	Second appeal of a <i>Planning Act</i> matter for Official Plans and amendments, Zoning By-Laws and amendments, proceed to Section 1B. NOTE: Bill 139, Building Better <i>Communities and Conserving Watersheds Act</i> , 2017, allows appeals to the Tribunal of some <i>Planning Act</i> matters previously determined by LPAT.
	Appeals of other matters, including Development Charges, <i>Education Act</i> , <i>Aggregate Resources Act</i> , <i>Municipal Act</i> and Ontario Heritage, proceed to Section 1C.

Subject of Appeal	Type of Appeal	Reference (Section)
	Planning Act Matters	
	Appeal a decision by local council that adopted an OP or OPA (exempt from approval by Minister or Approval Authority)	17(24)
Official Plan or Official Plan Amendment	Appeal a decision of an Approval Authority that approved or did not approve all or part of a plan or amendment	17(36)
(Use R1 checklist)	Approval Authority failed to make a decision on the plan within 120 days	17(40)
	Council failed to adopt the requested amendment within 120 days	22(7)
	Council refuses to adopt the requested amendment	,
	Appeal the passing of a Zoning By-law	34(19)
Zoning By-law or Zoning By-law Amendment	Application for an amendment to the Zoning By-law – failed to make a decision on the application within 90 days	34(11)
(Use R2 checklist)	Application for an amendment to the Zoning By-law – failed to make a decision within 120 days where the application is associated with an Official Plan Amendment	
	Application for an amendment to the Zoning By-law – refused by the municipality	
Interim Control Zoning By-law (Use R2 checklist)	Appeal the passing of an Interim Control By-law within 60 days (Minister only)	38(4)
	Appeal the passing of an extension of an Interim Control By-law within 60 days	38(4.1)
Site Plan (Use R3 Checklist)	Application for a site plan – council failed to make a decision within 30 days	41(12)
	Appeal requirements imposed by the municipality or upper tier municipality	41(12.01)

Subject of Appeal	Type of Appeal	Reference (Section)
Minor Variance (Use R4 checklist)	Appeal a decision of the Committee of Adjustment that approved or refused the application	45(12)
	Appeal a decision that approved or refused the application	53(19)
Consent/Severance (Use R5 checklist)	Appeal conditions imposed	
	Appeal changed conditions	53(27)
	Application for consent – Approval Authority failed to make a decision on the application within 90 days	53(14)
	Application for a plan of subdivision – Approval Authority failed to make a decision on the plan within 120 days	51(34)
	Appeal a decision of an Approval Authority that approved a plan of subdivision	
Plan of Subdivision (Use R6 checklist)	Appeal a decision of an Approval Authority that did not approve a plan of subdivision	
	Appeal a lapsing provision imposed by an Approval Authority	51(39)
	Appeal conditions imposed by an Approval Authority	
	Appeal conditions - after expiry of 20 day appeal period but before final approval (only applicant or public body may appeal)	51(43)
	Appeal changed conditions	51(48)

For matters subject to Bill 139 and the associated transition regulation (the second appeal).

Subject of Appeal	Type of Appeal	Reference (Section)
	Planning Act Matters	
Official Plan or Official Plan Amendment (Use R1 checklist)	Appeal of a decision by Approval Authority on an OP or OPA (exempt from approval by Minister or Approval Authority) following a LPAT decision	17(24) and 17(49.6)
	Appeal of a decision by Council or Approval Authority on an OP or OPA following a LPAT decision	17(36) and 17(49.6)
	Appeal of a refusal within 90 days by Council following a LPAT decision	22(7) and 22(11.0.12)
	Appeal of a non-decision within 90 days by Council following a LPAT decision	
Zoning By-law or Zoning By-law Amendment	Appeal of a refusal within 90 days by Council following a LPAT decision	34(11) and 34(26.5)
(Use R2 checklist)	Appeal of a non-decision within 90 days by Council following a LPAT decision	
	Appeal of a decision by Council following a LPAT decision	
		34(19) and 34(26.5)

(Please check all applicable boxes)			
Type of Appeal	Reference (Section)		
Development Charges Act Matters			
Appeal a Development Charge By-law	14		
☐ Appeal an amendment to a Development Charge By-law	19(1)		
Appeal municipality's decision regarding a complaint	22(1)		
☐ Failed to make a decision on the complaint within 60 days	22(2)		
☐ Objection to a front-ending agreement	47		
☐ Objection to an amendment to a front-ending agreement	50		
Education Act Matters			
Appeal an Education Development Charge By-law	257.65		
Appeal an amendment to an Education Development Charge By-law	257.74(1)		
Appeal approval authority's decision regarding a complaint	257.87(1)		
☐ Failed to make a decision on the complaint within 60 days	257.87(2)		
Aggregate Resources Act Matters			
One or more objections against an application for a 'Class A' aggregate removal licence	11(5)		
One or more objections against an application for a 'Class B' aggregate removal licence	·		
Application for a 'Class A' licence – refused by Minister	11(11)		
Application for a 'Class B' licence – refused by Minister			
Changes to conditions to a licence	13(6)		
☐ Amendment of site plans	16(8)		
☐ Minister proposes to transfer the licence – applicant does not have licensee's consent			
☐ Minister proposes to refuse transfer of licence – applicant is licensee or has licensee's consent to transfer	18(5)		
Minister proposes to refuse transfer of licence – applicant does not have licensee's consent to transfer			
Revocation of licence	20(4)		
Municipal Act Matters			
Appeal the passing of a by-law to divide the municipality into wards			
Appeal the passing of a by-law to redivide the municipality into wards	222(4)		
Appeal the passing of a by-law to dissolve the existing wards	-		
	Development Charges Act Matters Appeal and Development Charge By-law Appeal and amendment to a Development Charge By-law Appeal municipality's decision regarding a complaint Failed to make a decision on the complaint within 60 days Objection to a front-ending agreement Objection to an amendment to a front-ending agreement Education Act Matters Appeal an Education Development Charge By-law Appeal an amendment to an Education Development Charge By-law Appeal approval authority's decision regarding a complaint Failed to make a decision on the complaint within 60 days Aggregate Resources Act Matters One or more objections against an application for a 'Class A' aggregate removal licence Application for a 'Class A' licence — refused by Minister Application for a 'Class B' licence — refused by Minister Changes to conditions to a licence Amendment of site plans Minister proposes to transfer the licence — applicant does not have licensee's consent to transfer Minister proposes to refuse transfer of licence — applicant does not have licensee's consent to transfer Revocation of licence Municipal Act Matters Appeal the passing of a by-law to divide the municipality into wards Appeal the passing of a by-law to redivide the municipality into wards Appeal the passing of a by-law to redivide the municipality into wards Appeal the passing of a by-law to redivide the municipality into wards Appeal the passing of a by-law to redivide the municipality into wards Appeal the passing of a by-law to redivide the municipality into wards Appeal the passing of a by-law to redivide the municipality into wards Appeal the passing of a by-law to redivide the municipality into wards Appeal the passing of a by-law to redivide the municipality into wards Appeal the passing of a by-law to redivide the municipality into wards Appeal the passing of a by-law to redivide the municipality into wards Appeal the passing of a by-law to redivide the municipality into wards Appeal the p		

Subject of Appeal Type of Appeal				Reference (Section)		
Ontario Heritage Act Matters						
Designation of Pro	perty Appea	Appeal a Notice of intention to designate property			29(11)	
	☐ Appea	ıl of an amendment to a by	/-law designating property		30.1(10)	
		al a Notice of Intention to renating by-law	epeal a designating by-law	or part of a	31(9)	
		ıl a council's decision to ap nating by-law or part of a d	oprove or refuse the repeali esignating by-law	ng of a	32(7)/32(8)	
	Appea	Il council's decision to alte	r a heritage designated pro	perty	33(9)	
Heritage Conserva	tion Appea		lesignating a heritage cons	ervation	40.1(4)	
(Use R10 checklist)	Appea district		lesignating a heritage cons	ervation	41(4)	
		Other Act Matters	(Use R11 checklist)			
Subject of Appeal	Se	ction Number				

2. Location Inform	nation					
Address and/or Lega 55 Eagle St.	Address and/or Legal Description of property subject to the appeal					
Municipality Newmarket						
Upper Tier (Example: county, district, region) Region of York						
Approval Authority (i	f different than ab	ove)				
3. Municipal/App	roval Authority	Contact Information				
Last Name Niezen First Name Sarah						
Professional Title Records and Projects Coordinator						
Email Address sniezen@newmarket.ca				Telephone Numb 905-953-5300	ext. 2213	
Mailing Address						
	Street Number 395	Street Name Mulock Dr			PO Box 328	
City/Town STN Main, Newmarket			Province ON		Postal Code L3Y 4X7	

4. Municipal/Ap	proval Authority I	Representative Inform	ation (Legal c	or Planning) (P	erson attend	ing LPAT hearing)
Last Name Voorn			First N Paul	ame			
Company Name Town of Newmar	-ket						
Professional Title Associate Solicito	or	14 (A. C.					
Email Address pvoorn@newmar	rket.ca						
Daytime Telephone 905-953-5300	e Number	ext. 2436		Alterna	te Telephone Nu	ımber	
Mailing Address					· · · · · · · · · · · · · · · · · · ·		
Unit Number	Street Number .395	Street Name Mulock Drive STN Ma	in				PO Box 328
City/Town Newmarket		Province ON			Country Canada		Postal Code L3Y 4X7
5. Appeal Reaso	ons						
Municipal Reference D9-NP-11-09 and							
	appealing that the Zoning By-law Am	Town has not yet made endment.	a deci	sion wit	h regard to the	ir applicatio	on for Official Plan
	cial Plans, Official Pl one or more of the fo	an Amendments, Zoning I llowing:	By-laws	and Zor	ning By-law Ame	ndments, pl	ease indicate if you
A: A decision of a (Council or Approval /	Authority is:					
☐ Inconsistent	with the Provincial	Policy Statement, issued (ınder sı	ubsectio	n 3(1) of the <i>Plai</i>	nning Act	
☐ Fails to conf	orm with or conflicts	with a provincial plan					
☐ Fails to conf	orm with an applicat	le Official Plan					
And							
B: For a non-decision	on or decision to refu	se by council:					
 ✓ Consistency with the provincial policy statement, issued under subsection 3(1) of the <i>Planning Act</i> ✓ Conformity with a provincial plan 							
☑ Conformity v	vith the upper-tier m	unicipality's Official Plan o	r an apı	plicable	Official Plan		
If you intend on arg	uing on one or more	of the above throughout	a proce	eding, pl	lease explain:		

Did this matter start with a request/application?	
✓ Yes No ▼	
If yes, what was the date the municipality/approval authority (yyyy/mm/dd) 2011/11/21	deemed the application/request complete? Provide in date format:
Date of Decision/Notice of Passing (yyyy/mm/dd)	Date Notice of Decision/Passing was issued/provided (yyyy/mm/dd)
Oral/written submissions to council	
If applicable, did the Appellant(s) make their opinions regardi	ng this matter known to council?
Oral submissions at a public meeting of council	
Written submissions to council	
Planning Act matters only	
Applicable only to official plans/amendments, zoning bywere passed on or after July 1, 2016. (Bill 73)	laws/amendments and minor variances that came into effect/
Is the 2-year no application restriction under section 22(2.2) of	or 34(10.0.0.2) or 45(1.4) applicable?
Yes No	
6. Related Matters	
Are there other matters related to this appeal? (For example:	A consent application connected to a variance application)
✓ Yes	
If yes, please provide LPAT Case/File Number(s) and/or Mur LPAT Case No PL080723 - appeal of the Town's Official	
Does the Municipality anticipate further appeals to be filed re	lated to this matter?
Yes V No	
7. Mediation	
that there is a good reason for not addressing the appeal with	consensual resolution of the appeal. Unless the Tribunal determines in mediation, all parties shall presume that their differences will first As such, parties shall act and prepare accordingly, meaning good
✓ I have read and understand the above statement.	
8. Witness Information	
If known, how many expert witnesses or other witnesses doe providing evidence and/or testimony?	s the Municipality/Approval Authority expect to have at the hearing
2 - 3	
If known, describe expert witness(es)' area of expertise (For Land use planning, natural heritage, - other if required	example: land use planner, architect, engineer, etc.).

9. Declaration

I solemnly declare that all of the statements and the information provided, as well as any supporting documents are true, correct and complete.

I confirm that I have included applicable checklist(s) with required documents in the order listed in the checklist(s).

Name of Clerk/Representative

Signature of Clerk/Representative

Date (yyyy/mm/dd)

0020/10/09

Personal information or documentation requested on this form is collected under the provisions of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, and the *Local Planning Appeal Tribunal Act*. After an appeal is filed, all information relating to this appeal may become available to the public.



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Checklist (R1) Official Plans and **Amendments** Planning Act

Required Documentation (Please check boxes below to indicate that the document is included)

Format of Submissions:	
Provide both an electronic copy (.pdf) and paper copy for all dockey. Each file should be labelled using the numbered headings l	
1. Appeal	·
 a. Original or certified copy of each notice of appeal received which each notice was filed. 	ved and reasons for appeal with indication of the date on
b. Tribunal fee paid by each appellant made payable to the this fee being paid by each appellant. Ensure that check	ne Minister of Finance. The appeal will not be processed without que/fee payment is affixed to each appeal.
2. Application	
✓ a. Original or certified copy of the request for an amendm	ent to the official plan. [Section 22(7)]
	bed information and material received by council or the planning e original or certified copy of the record received by the approval r the <i>Planning Act</i> .
3. Decision/Resolution/Notice of Adoption	
a. A certified copy of the by-law adopting the proposed of	ficial plan or plan amendment. [Section 17(24)]
☐ b. A certified copy of the decision of the approval authorit	y, if applicable.
c. If applicable, a copy of the resolution of the council or p	planning board refusing to adopt the requested amendment.
	written explanation for the notice of refusal, including the date an indication that notice of the refusal was given in accordance
e. If applicable, a copy of the notice of adoption by council	l or planning board.
4. List	
 a. List of names, e-mail addresses and mailing addresses agencies to be notified of the Local Planning Appeal Tr 	
b. Where notice of a decision was issued by e-mail, a list that the e-mail was sent.	of all names and e-mail addresses and an indication of the date

5. Affidavit/Statement

- a. If applicable, an affidavit or sworn declaration from an employee of the municipality or approval authority certifying:
 - i) The statutory requirements for the giving of notice and the holding of public meetings and open houses, if required, or the alternative measures for informing and obtaining the views of the public as set out in the official plan have been complied with; and
 - ii) The statutory requirements for the giving of notice of adoption have been complied with. Include date written notice was given.
 - iii) If subsection 22(6.4) of the Act applies, a certificate that the requirements of clause 22(6.4)(a) of the Act have been complied with.
 - iv) That the information and material provided as required by paragraph 10 of section 7 is accurate.
- ☐ b. An affidavit or sworn declaration made by an employee of the approval authority certifying that the requirements for giving notice of the decision under subsection 17(35) of the Act have been complied with. [Section 17(36)]

	c. In the case of a proposed official plan, a statement as to whether it replaces an existing official plan. [Section 17(36)]
	 d. A statement from an employee of the municipality or planning board as to whether the decision of the council, planning board or approval authority, i. is consistent with the policy statements issued under subsection 3(1) of the Act, and ii. conforms to or does not conflict with any applicable provincial plan or plans. [Sections 17(36), 17(40), 22(7)]
	iii. conforms with the upper-tier municipality's official plan
✓	e. An affidavit or sworn declaration of an employee of the municipality and/or approval authority listing all persons and public bodies that provided written submissions or comments, if applicable. Attach a Schedule with a typed list of their full names, e-mail addresses, mailing addresses and telephone numbers. [Sections 17(24), 17(36) and 22(7)]
✓	f. An affidavit or sworn declaration of an employee of the municipality and/or approval authority listing all persons and public bodies that made oral submissions at the public meeting, if applicable. Attach a Schedule with a typed list with their full names, e-mail addresses, mailing addresses and telephone numbers. [Sections 17(24), 17(36) and 22(7)]
	g. A statement indicating whether or not an extension was provided under section 17(40.1) and, if an extension was provided, an indication of the number of days that were allowed for the extension. Include a copy of the notice of extension.
✓	h. A statement addressing whether or not the 2-year no application restriction under section 22(2.2) is applicable. If a restriction is applicable, please provide a copy of any notice that was provided.
6. No	tice of Public Meeting
\checkmark	Where a public meeting has been held, a copy of the Notice.
7. Mir	nutes
\checkmark	Where a public meeting has been held, a copy of the minutes of the public meeting (printed format).
8. Pla	nning Report
\checkmark	A copy of any planning report considered by the council or planning board.
9. Ora	al/Written Submissions
V	Provide all information and material that the Municipal Council or Approval Authority considered in making their decision and/or received in relation to the matter such as any written or oral submissions from the public relating to the planning matter.
	Provide, where available, a USB key upon which is stored a video and audio record of each public session at which oral submissions were made to the Municipal Council or Approval Authority regarding the application, together with a list of the names of the persons who made the submission, and the time on the recording where the submission begins.
	Examples: Written submissions Minutes containing oral submission records Video of Council meeting Other (Please describe)
10. O	fficial Plan Amendment (or Proposed OPA)
✓	Certified copy of the proposed official plan or plan amendment. (If municipal staff have not drafted a proposed amendment, this draft can be requested from the applicant.)
11. 01	ther Information
✓	The original or a certified copy of any other information and material that is required to be provided by the official plan of the municipality or planning board.



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Checklist (R2) Zoning By-laws and **Amendments** Planning Act

Required Documentation (Please check boxes below to indicate that the document is included)

Format of Submissions:

Provide both an electronic copy (.pdf) and paper copy for all document submissions. Provide all electronic submissions on a USB key. Each file should be labelled using the numbered headings listed below, and indexed to a table of contents.

1. Appea	ı
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Ap	pplication
V	b. Tribunal fee paid by each appellant made payable to the Minister of Finance. The appeal will not be processed without this fee being paid by each appellant. Ensure that cheque/fee payment is affixed to each appeal.
✓	a. Original or certified copy of each notice of appeal received and reasons for appeal with indication of the date on which each notice was filed.

2.

✓	If applicable, the original or a certified copy of the application for amendment to the by-law that includes name,	e-mail
	address, address and telephone number of the applicant and lawyer or agent.	

3. Notice of Passing/Refusal

a. A copy of the notice of passing of the zoning by-law or interim control by-law. [Sections 34(19) or 38(4)]
b. A copy of Council's refusal, including the date that the giving of notice was completed, or an affidavit or declaration duly sworn certifying that Council refused or neglected to make a decision on the complete application within 90 days and an indication that notice of the refusal was given in accordance with the provisions of the Act. [Section 34(11)]

4. Explanatory Note

7	An explanation of the	purpose and	effect of the I	by-law/proposed	hv-law
1 🗸 1	An explanation of the	purpose and		by-law/proposed	Dy -16144

5, List

- a. List of names, e-mail addresses and mailing addresses of all parties (including the applicant) and persons and agencies to be notified of the Local Planning Appeal Tribunal (LPAT) hearing.
- b. Where notice of a decision/refusal was issued by e-mail, a list of all names and e-mail addresses and an indication of the date that the e-mail was sent.

6. Zoning By-law

\checkmark	Certified copy	of the z	zoning k	by-law/proposed	amending	by-law	under	appea
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7. Map

A map of the land under appeal or a description of the subject land.

8. Af	fidavit
	 a. An affidavit or sworn declaration from an employee of the municipality or planning board certifying, as applicable: i) The statutory requirements for the giving of notice and the holding of public meetings and open houses, if required, or the alternative measures for informing and obtaining the views of the public as set out in the official plan have been complied with; ii) The statutory requirements for the giving of notice of passing or refusal of the by-law have been complied with. Include date written notice was given. Attach a copy of the notice, explanatory note and key map; iii) A typed list of all persons and public bodies that made oral submissions at the public meeting, including their full names, e-mail addresses, mailing addresses and telephone numbers; and iv) If subsection 34(10.7) of the Act applies, a certificate that the requirements of clause 34(10.7)(a) of the Act have been complied with.
	 b. A statement from an employee of the municipality or planning board as to whether the decision of the council or planning board, i) is consistent with the policy statements issued under subsection 3(1) of the Act, ii) conforms to or does not conflict with any applicable provincial plan or plans, and iii) conforms with applicable official plans.
	c. Report on the position taken by Council in response to each appeal, including conformity with official plan.
V	d. A statement addressing whether or not the 2-year no application restriction under section 34(10.0.0.2) is applicable. If a restriction is applicable, please provide a copy of any notice that was provided.
9. No	tice of Public Meeting
\checkmark	Where a public meeting has been held, a copy of the Notice.
10. M	linutes
V	Where a public meeting has been held, a copy of the minutes of the public meeting (printed format).
11. P	lanning Report
\checkmark	A copy of any planning report considered by the council or planning board.
12. O	ral/Written Submissions
V	Provide all information and material that the Municipal Council or Approval Authority considered in making their decision and/or received in relation to the matter such as any written or oral submissions from the public relating to the planning matter.
	Provide, where available, a USB key upon which is stored a video and audio record of each public session at which oral submissions were made to the Municipal Council or Approval Authority regarding the application, together with a list of the names of the persons who made the submission, and the time on the recording where the submission begins.
	Examples: Written submissions Minutes containing oral submission records Video of Council meeting Other (Please describe)
13. O	ther Information
V	a. The original or a certified copy of the prescribed information and material received by the council or planning board under subsection 34(10.1) of the Act.
V	b. The original or a certified copy of any other information and material that is required to be provided by the official plan o the municipality or planning board.
	c. Original or true copy, if any, of each written withdrawal of appeal.