



MEMORANDUM

TO: Members of Planning and Economic Development Committee

FROM: Bryan Tuckey, Commissioner, Planning and Development Services

DATE: May 4, 2011

RE: Status Update on Appeals of York Region Official Plan 2010, ROPA 1 – Town of East Gwillimbury Urban Expansion, ROPA 2 – City of Vaughan Urban Expansion, and ROPA 3 – Town of Markham Urban Expansion

This memorandum provides an update on the fifty-two (52) appeals received on the York Region Official Plan and the 9 appeals of Regional Amendments 1, 2 and 3 (urban expansion appeals).

The Planning and Development Services Department is continuing to meet with appellants and explore negotiated resolution of the appeals where appropriate. The chart below provides a summary of the meeting process. To date, the majority of initial meetings with appellants have occurred on a “without prejudice” basis.

Meetings status	ROP Appeals	ROPA 1 Appeals	ROPA 2 Appeals	ROPA 3 Appeals
Total appeals filed	52	5	1	3
Appeals Withdrawn	1	0	0	0
Initial meetings held	33	4	1	2
Presently at OMB and no meetings required	3			
Meetings in process of being scheduled	15	1	0	1

The Ontario Municipal Board (OMB) process is also now underway. Stephen Waqué of the legal firm of Borden, Ladner, Gervais has been retained as external legal counsel in the ROP and ROPA 1, 2 and 3 defence at the OMB. The first of a series of Ontario Municipal Board pre-hearing conferences is scheduled for May 2 and 3, 2011 to deal with such items as identification of parties, participants, issues, possibility of settlement of issues, determination of the manner in which the Board will hear the appeals, start date and duration of the hearing, etc. A verbal report on the first pre-hearing conference will be given In Camera at the Planning and Economic Development Committee by the Director of Development Law.

As a number of the appeals did not meet the Planning Act requirements for submissions of comments or involvement prior to the adoption of the Plan. The Region is bringing a motion forward asking the Board rule that these are inadmissible. This motion hearing is anticipated to be heard later this spring.

Regional staff will continue to meet with appellants in further efforts to resolve issues and reports will be brought to Council where settlements require changes to policy. The OMB and many appellants have identified a willingness to have the issues mediated. The Board process is anticipated to take 12 to 14 months commencing with a series of pre-hearing conferences and mediation. Only if issues cannot be resolved will there be a need for a longer hearing. A longer hearing is unlikely to occur before May 2012.

Insofar as some of the appeals relate to Provincial Plans, such as the Growth Plan or Greenbelt Plan, the Region has requested that the Province of Ontario assist the Region in the costs of defending these policies.

The Region has worked closely with local municipalities during the preparation and review of the York Region Official Plan and Regional Official Plan Amendments 1, 2 and 3. Appeal letters for these documents have been distributed to staff at the local municipalities and the regional legal team have briefed their local counterparts regarding the timing and strategy for the pre-hearings and subsequent OMB timing. The Region will continue to coordinate the defence of these documents with the local municipalities, as they have a direct influence on the local official plan conformity processes.

If you require additional information, please contact John Waller, Director of Long Range and Strategic Planning at 905 830-4444, Ext. 1525.

Bryan Tuckey, MCIP, RPP

BT/bj