

12

YORK REGION OFFICIAL PLAN 2010 APPEALS AND ROPA 1 – TOWN OF EAST GWILLIMBURY URBAN EXPANSION, ROPA 2 – CITY OF VAUGHAN URBAN EXPANSION, AND ROPA 3 – TOWN OF MARKHAM URBAN EXPANSION APPEALS

(Regional Councillor Di Biase declared an interest in this item as his children have a part interest in a parcel of land within Block 27 which was purchased by his maternal grandfather in the 1960's. Regional Councillor Di Biase did not participate in the consideration, discussion or vote for this item.)

The Planning and Economic Development Committee recommends the adoption of the recommendations contained in the following report dated December 15, 2010, from the Commissioner of Planning and Development Services.

1. RECOMMENDATIONS

It is recommended that:

1. The Regional Clerk circulate this report to the Clerks of the local municipalities.
2. Regional staff be authorized to attend the Ontario Municipal Board in support of the York Region Official Plan.

2. PURPOSE

This report updates Regional Council on the appeals with respect to the York Region Official Plan and Regional Official Plan Amendments 1, 2 and 3; and requests Council authorization for staff to attend the Ontario Municipal Board in support of the York Region Official Plan.

3. BACKGROUND

York Region's Official Plan was approved by the Province on September 7, 2010

On September 7, 2010, the Ministry of Municipal Affairs issued a decision approving the York Region Official Plan, subject to 147 modifications. The vast majority of these modifications were minor and technical in nature. A report outlining these modifications was presented to Council at its meeting of September 23, 2010.

Pursuant to the *Planning Act*, and Ontario Regulation 543/06, the Ministry of Municipal Affairs and Housing provided notice of their decision to: Regional Council; each person or public body that made a written request to be notified of the decision; each municipality to which the plan would apply if approved; and a number of other public bodies prescribed by Regulation. This notice was dated September 8, 2010 and began a 20-day appeal period that ended on September 28, 2010. During this period, any person or public body who, before the plan was adopted made submissions to Council, may appeal the Ministry's decision.

Regional Council adopted Regional Official Plan Amendments 1, 2 and 3 on September 23, 2010

At its meeting on September 23, 2010, Regional Council endorsed Clause 4 of Report 6 of the Planning and Economic Development Committee. By doing so, Council adopted Regional Official Plan Amendments 1, 2 and 3: Urban Boundary Expansions in the Town of East Gwillimbury, City of Vaughan and Town of Markham, respectively. Through this endorsement, Council also authorized the Commissioner of Planning to give Notices of Decision for the adoption of Official Plan Amendments 1, 2 and 3 and authorized Regional staff to attend the Ontario Municipal Board in support of the Regional position, should these amendments be appealed.

On September 27, 2010, the Region issued notices of decision for Amendments 1, 2 and 3 to all parties pursuant to the *Planning Act* and Ontario Regulation 543/06. The 20-day appeal period for Official Plan Amendments 1, 2 and 3 ended on October 18, 2010.

4. ANALYSIS AND OPTIONS

The Ministry received 51 letters of appeal on the York Region Official Plan, and 9 appellants on Regional Official Plan Amendments 1, 2 and 3, which were forwarded to the Ontario Municipal Board

All appeal letters of the York Region Official Plan were filed with the Ministry of Municipal Affairs and Housing. Upon the completion of the 20-day appeal period, the Ministry forwarded the official record of appeals to the Ontario Municipal Board within 15 days, pursuant to the *Planning Act* and Ontario Regulation 543/06. The identical procedure was completed by the Region for all the appeals of Official Plan Amendments 1, 2 and 3.

The Ministry received 51 letters of appeal on the York Region Official Plan. One of these appellants, located in North Markham, consists of 25 land owners. A total of 9 letters of appeal Regional Official Plan Amendments 1, 2 and 3. A breakdown of the appeal letters is shown in Table 1. A list of these appeal letters, along with their corresponding Ontario Municipal Board File numbers, is appended as *Attachment 1*. All

appeal letters are available for viewing, by request, through the office of the Regional Clerk.

Table 1
Regional Official Plan and Amendments 1, 2 & 3 Appeals

	# of Appeal Letters
Regional Official Plan	51
Official Plan Amendment 1: Urban Expansion in the Town of East Gwillimbury	5
Official Plan Amendment 2: Urban Expansion in the City of Vaughan	1
Official Plan Amendment 3: Urban Expansion in the Town of Markham	3

Most appeals identify specific properties and/or policies, including those on natural heritage features, sustainable building requirements, and urban boundary expansions

A majority of the letters filed against the York Region Official Plan cite specific policies. A number of letters also appealed the Plan in its entirety. A large number of appeals were filed by property owners that were not included in the Urban Area. The following is a preliminary summary of some of the policy areas in the appeal letters:

- 40 landowners submitted letters appealing the fact that they were not included in the Urban Area Expansion
- 17 appeal letters disagree with the Region's policies regarding the dedication of rights-of-way
- 16 appeal letters cite various environmental policies, including those on woodlots, wetlands and separation distances
- 13 appeal letters raise issues over the policies related to employment lands and major retail
- 12 appeal letters cite various policies related to the requirements for sustainable communities and buildings
- 12 appeal letters contest the designation of their property as either Agricultural or Rural Area
- 10 appeal letters raise issues over the Region's policies on affordable housing
- 8 appeal letters question how transitioning will occur for lands where extensive planning exercises have already occurred

The following is a preliminary summary of the appeal letters filed against Regional Official Plan Amendments 1, 2 and 3:

- Most appeal letters are linked to corresponding appeal letters in respect to the York Region Official Plan
- 8 of the 9 appeal letters to Regional Amendment 1, 2 and 3 own property within the Region's whitebelt. These appeal letters seek further clarification on how the urban expansion will be translated to local plans; and do not believe enough land was allocated to the expansion.
- The remaining appeal letter expresses disagreement with the Region's justification for an urban boundary expansion (Amendment 2)

Staff will attend the Ontario Municipal Board in support of the Regional position and keep Council informed

In the coming months, Regional staff will continue to analyze the appeal letters filed against the York Region Official Plan and all three Regional Official Plan Amendments. An internal team of Regional staff has been formed to actively pursue negotiated resolution of appeals where possible. In the event that negotiations prove ineffective, it will be necessary to engage in hearings before the Ontario Municipal Board. This report authorizes staff to attend any subsequent Ontario Municipal Board hearings to defend the York Region Official Plan. Future reports will be prepared to keep Council informed of the status of these appeals.

Relationship to Vision 2026

The approved York Region Official Plan and adopted Regional Official Plan Amendments 1, 2 and 3 work together to support and implement Vision 2026. The defence of these documents at the Ontario Municipal Board will further the Region's commitment to the goal areas of Vision 2026.

5. FINANCIAL IMPLICATIONS

The financial implications of the Region's representation before the Ontario Municipal Board in Regional Official Plan matters were outlined in Clause 4 of Report 7 of the Finance and Administration Committee, adopted by Council on September 23, 2010. That report authorized the use of the Tax Stabilization Reserve funds to cover the costs associated with the appeals. These can include the cost of external legal services as well as planning consultants to assist Regional staff in negotiating settlements, in hearing preparation and evidence.

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.

6. LOCAL MUNICIPAL IMPACT

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. The appeal letters for these documents have been distributed to staff at the local municipalities. The Region will coordinate the defence of these documents with the local municipalities, as they have a direct influence on the local official plan conformity processes.

7. CONCLUSION

Fifty-one (51) appeals of the York Region Plan and 9 appeals of Regional Amendments 1, 2 and 3 were filed within the appeal period. A majority of the appeals filed against the York Region Official Plan cited specific policies that they opposed. A number of letters also appeal the Plan in its entirety. A large number of appeals were filed by property owners that were not included in the Urban Area.

Regional staff is working to clarify and deal with these appeals and additional reports will be brought to Council as required. Regional staff requests authorization to attend the Ontario Municipal Board to defend the York Region Official Plan.

For more information on this report, please contact John Waller, Director of Long Range and Strategic Planning at Ext. 1525.

The Senior Management Group has reviewed this report.

(The attachment referred to in this clause is attached to this report.)

List of Regional Official Plan and Regional Official Plan Amendments 1, 2, 3 Appeal Letters

Regional Official Plan Appeals			
OMB File & Appellant #	Muni	Appeal Letters	Represented By
PL101128-01	M	Angus Glen North West Inc and Angus Glen Holdings Inc	Aird & Berlis LLP
PL101128-02	RH	E. Manson Investments	Aird & Berlis LLP
PL101128-03	RH	North Leslie Residential Landowners Group Inc.	Aird & Berlis LLP
PL101128-04	M	North Markham Landowners' Group	Aird & Berlis LLP
PL101128-05	YR	Loblaw Properties Ltd	Aird & Berlis LLP
PL101128-06	YR	Rice Group of Companies	Aird & Berlis LLP
PL101128-07	EG	Yonge & Green Lane Developments Corp	Aird & Berlis LLP
PL101128-08	EG	Allen Eng	Barbir & Associates
PL101128-09	EG	John Hayes	Barbir & Associates
PL101128-10	EG	Paul Jadilebovski	Barbir & Associates
PL101128-11	EG	Peter Antonopoulos	Barbir & Associates
PL101128-12	EG	Philip Comartin	Barbir & Associates
PL101128-13	EG	Shai Perlmutter	Barbir & Associates
PL101128-14	EG	Steve DeFreitas	Barbir & Associates
PL101128-15	YR	Peat Farmers of Ontario	Barbir & Associates
PL101128-16	EG	Property Owners with Rights Association	Barbir & Associates
PL101128-17	V	Kau & Associates L.P.	Bratty and Partners LLP
PL101128-18	V	Block 27 Landowners Group Inc	Davies Howe Partners
PL101128-19	EG	Dorzil Developments Ltd	Davies Howe Partners
PL101128-20	K	Westlin Farms Inc	Davies Howe Partners
PL101128-21	V	Rizmi Holdings Ltd	Davies Howe Partners

OMB File & Appellant #	Muni	Appeal Letters	Represented By
PL101128-22	K	Daraban Holdings Ltd	Davies Howe Partners
PL101128-23	YR	SmartCentres and Calloway REIT	Davies Howe Partners
PL101128-24	RH	Yonge Bayview Holdings Inc	Davies Howe Partners
PL101128-25	RH	583753 Ontario Ltd	Davies Howe Partners
PL101128-26	RH	775377 Ontario Ltd (Belmont)	Davies Howe Partners
PL101128-27	V	Helmhorst Investments Ltd	Davies Howe Partners
PL101128-28	A	Aurora 2C Landowners Group	Davis LLP
PL101128-29	EG	W. J. Smith Gardens Limited	Davis Webb Barristers and Solicitors
PL101128-30	YR	Metrus Development Inc	Goodmans LLP
PL101128-31	RH	Clearpoint Developments and Upper City Corporation	Goodmans LLP
PL101128-32	M	Minotar Holdings Inc, Corlots Development and Cherokee Holdings and Halvan 5.5 Investments Ltd	Goodmans LLP
PL101128-33	EG	Dalton and Alan Faris and Eden Mills Estates Inc	iPlancorp
PL101128-34	A	John Carlisle and Robert G. Sikura	iPlancorp
PL101128-35	A	Aurora-Leslie Developments Inc	Kagan Shastri Barristers and Solicitors
PL101128-36	YR	Fieldgate Developments and TACC Developments	Kagan Shastri Barristers and Solicitors
PL101128-37	YR	Times Group Corporation	Kagan Shastri Barristers and Solicitors
PL101128-38	YR	Memorial Gardens Canada Ltd	Larkin+Associates
PL101128-39	EG	1596630 Ontario Ltd	Liberty Development
PL101128-40	RH	583753 Ontario Ltd	Malone Given Parsons Ltd
PL101128-41	RH	Amir Hessam Ltd & 668152 Ontario Ltd	Malone Given Parsons Ltd
PL101128-42	RH	Arten Developments Inc	McCarthy Tétrault LLP
PL101128-43	RH	Sanmike Construction Ltd	McCarthy Tétrault LLP
PL101128-44	RH	Canadian Mortgage and Housing Corporation	MHBC Planning
PL101128-45	V	Signature Developments	MMM Group

OMB File & Appellant #	Muni	Appeal Letters	Represented By
PL101128-46	M	Mahamevna Bhavana Asapuwa Toronto	PMG Planning Consultants
PL101128-47	M	Mandarin Golf and Country Club Inc and AV Investments II Inc	Richard R. Arblaster Barrister & Solicitor
PL101128-48	M	Cornerstone Christian Church	Robert E. Jarvis Q.C. Barrister and Solicitor
PL101128-49	V	Tesmar Holdings Inc.	Solmar Development Corp
PL101128-50	V	Sustainable Vaughan	Sustainable Vaughan
PL101128-51	M	Markham Gateway Inc	Thomson Rogers

**Regional Official Plan Amendment 1: Urban Expansion in the
Town of East Gwillimbury Appeals**

OMB File & Appellant #	Muni	Appeal Letters	Represented By
PL101233-01	EG	1596630 Ontario Ltd	Liberty Development
PL101233-02	EG	Dalton and Alan Faris	iPLANcorp
PL101233-03	EG	Eden Mills Estates Inc	iPLANcorp
PL101233-04	EG	Martin Pick, Thomas Pick and 132463 Ontario Inc	Davies Howe Partners
PL101233-05	EG	Rice Group of Companies	Aird & Berlis LLP

**Regional Official Plan Amendment 2: Urban Expansion in the
City of Vaughan Appeals**

OMB File & Appellant #	Muni	Appeal Letters	Represented By
PL101237-01	V	Sustainable Vaughan	Sustainable Vaughan

**Regional Official Plan Amendment 3: Urban Expansion in the
Town of Markham Appeals**

OMB File & Appellant #	Muni	Appeal Letters	Represented By
PL101238-01	M	Minotar Holdings Inc, Corlots Developments, Cherokee Holdings and Halvan 5.5 Investments Ltd	Goodmans LLP
PL101238-02	M	North Markham Landowners' Group	Aird & Berlis LLP
PL101238-03	M	Grace Chinese Gospel Church of North York	Richard R. Arblaster Barrister & Solicitor

YORK-#2932089