

MEMORANDUM

TO: Members of Planning and Economic Development Committee

FROM: John Waller, Acting Commissioner, Planning and Development Services

DATE: September 7, 2011

RE: Status Update Report 2 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 ongoing Ontario Municipal Board (OMB) hearing dealing with the York Region Official Plan and Regional Amendments 1, 2 and 3, the urban expansion amendments in the communities of East Gwillimbury, Vaughan and Markham respectively. At the outset of this process fifty-two (52) appeals were filed on the York Region Official Plan and the nine (9) appeals of Regional Amendments 1, 2 and 3 (urban expansion areas) were filed.

Regional Council at its meeting of June 23, 2011, received the previous ROP update report which summarized OMB activities up to the end of May 2011.

Since that time, the OMB has convened additional pre-hearing conferences on June 30, July 19 and 20, and August 23, 2011. These prehearing conferences have dealt with procedural matters, motions, settlements, refinements on status and identification of issues. As a result of the additional prehearing conferences and decisions by the OMB, the following is the current status of parties and participants:

Key Activities since June 2011:

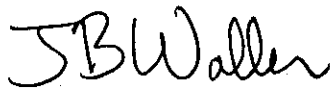
- Planning and Development Services Department staff is continuing to meet with appellants and explore options for resolution of the appeals where appropriate. Settlements are being pursued with a number of appellants
- The OMB indicated on August 23, 2011 that its decision regarding the 17(36) motions will not be issued until after the October 7, 2011 pre-hearing conference where one additional motion will be argued. A further report on the number of appellants and parties to the hearing will be provided following release of this decision.

- Regional staff solicitors and appellants are continuing to meet to discuss and settle on the identification of issues. The next meetings set for this purpose are September 15 and 16, 2011.
- The first mediation period, under the guidance of the OMB, is scheduled for October 19 to 25 with the expected topics to be transition issues, environmental policy issues and the issues of whole plan appeals.

A number of consultants/experts witnesses have been retained to support Regional staff in the following areas: land use planning, land budget, retail analysis, agriculture and rural planning and environmental.

- Staff continues to update the Regional OMB web area on the corporate website where all pertinent information regarding the OMB hearing will be posted:
<http://www.york.ca/Departments/Planning+and+Development/Growth+Management/Appeals+to+the+OMB+of+the+YROP.htm>

Additional updates will be brought forward for Committee and Council on an as needed basis. In addition, at the following private session, the Region's solicitor for ROP appeals, Stephen Waqué, Borden Ladner Gervais, is available to respond to any questions members of Committee may have on the ongoing Regional Official Plan litigation.



John B. Waller, M.C.I.P., R.P.P.
Acting Commissioner Planning and Development Services

JBW/bj