



TOWN HALL

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**REGION OF YORK
CLERK'S OFFICE**

FILE No. -

P01

August 18, 2010

Suzanne Jones, Clerk
Halton Hills
Civic Centre
1 Halton Hills Dr
Halton Hills, ON L7G 5G2



Dear Sir/Madam:

RE: Request to the Province to cover all Appeal Costs to the Ontario Municipal Board for Growth Plan Conformity Exercises.

At the regular meeting of Council held on August 10, 2010, Council supported your resolution *Request to the Province to Cover all Appeal Costs to the Ontario Municipal Board for Growth Plan Conformity Exercises*. The following was adopted:

That the Resolutions from the Town of Halton Hills and the Region of Halton regarding a Motion to request the Province to Cover All Appeal Costs to the Ontario Municipal Board for Growth Plan Conformity Exercises, be supported; and

Whereas the Province of Ontario initiated and passed the *Places to Grow Act*, and

Whereas pursuant to that Provincial Initiative under the *Places to Grow Act*, the Province issued a Provincial Growth Plan for the Greater Toronto Area and pursuant to that Act requires municipalities at the Regional and Local levels to amend their Official Plans to bring them into conformity with that Provincial Growth Plan; and

Whereas any Regional Official Plan Amendments passed to achieve conformity with the Provincial Growth Plan must be approved by the Province and any Local Official Plan Amendments passed to achieve conformity with the Provincial Growth Plan must conform with the approved Regional Plan and be approved by the Region; and

Whereas the Province permits its approval decisions on Regional Official Plan Amendments to achieve conformity and Regional approval of Local Official Plan Amendments to be appealed to the Ontario Municipal Board despite the fact that any appeals of the Growth Plan itself are handled by way of a Hearing Officer who reports to the Province and the Province makes the final Decision; and

Whereas the defense of any Regional and/or Local Official Plan to achieve conformity with the Provincial Growth Plan can be a long and costly process in front of the Ontario Municipal Board; and

Whereas municipalities are expected to defend their Official Plans for conformity at the Ontario Municipal Board despite the fact that the municipalities have had to pass those municipal official plans by reason of the Provincial *Places to Grow Act*; and

Whereas the Region of Peel has passed Regional Official Plan Amendments 20, 21A, 21B, 22, 23, 24 and 25 as required by *The Places to Grow Act* and in the case of Regional Official Plan Amendments 20 and 23, those amendments were approved by the Province and then appealed by development interests to the Ontario Municipal Board and the same is likely to occur with Regional Official Plan Amendments 21A, 21B, 22, 24 and 25 and with Caledon's conformity amendment, OPA 226; and

Whereas even without any appeals to the Ontario Municipal Board there are significant costs for municipalities participating in the Provincially required Growth Plan conformity exercises pursuant to the *Places to Grow Act*; and

Whereas such municipalities should not have the added cost of participating in OMB appeals of the various Regional and Local Official Plans produced in compliance with Provincial requirement for conformity with the Provincial Growth Plan; and

Whereas the Province itself, in defending its Growth Plan and indeed other Provincial Plans such as the Greenbelt Plan has only hearing officer report exercises in response to changes and amendments sought by others to its Provincial Plans such as the Growth Plan and the Greenbelt Plan; and

Whereas the Province permits appeals on Regional Official Plan Amendments that the Province has approved and therefore deemed to conform to the Growth Plan and on Local Official Plan Amendments that are in conformity with these Regional Official Plan Amendments;

Now therefore be it resolved;

1. That the province of Ontario be requested to take responsibility for any Ontario Municipal Board appeal hearings related to any approvals of the Regional and Local Official Plan Amendments that are passed pursuant to the Places to Grow Act in order to achieve conformity with the Act such that all costs related to defending a Growth Plan Conformity exercise before the Ontario Municipal Board are covered by the Province including the retention of any legal counsel, planning consultants, and other consultants and witnesses and also the time for Provincial or Regional or Local staff required as part of any defense before The Ontario Municipal Board;
2. That the Province of Ontario be requested to provide "intervener funding" to any municipalities affected by the appeal of any Growth Plan conformity, Official Plan amendment to The Ontario Municipal Board so as to enable the municipalities involved to defend their positions with respect to the Provincial Growth Plan conformity exercises before The Ontario Municipal Board without added cost to the Municipal Service and Delivery System and higher property taxes.
3. That a letter be sent by the Mayor along with this Resolution to the Premier of the Province of Ontario, the Minister of Municipal Affairs and Housing and the Minister of Infrastructure and Energy for their consideration and action in having the Province take the lead and the responsibility for the costs of any appeal proceedings before The Ontario Municipal Board on Growth Plan Conformity Official Plans by Regional and Local municipalities and by providing intervener funding to those municipalities who would be involved in any appeal proceedings respecting Growth Plan Conformity Exercises.
4. That this Resolution be forwarded to all of the Regional and Local Municipalities within the Greater Golden Horseshoe and to the Association of Municipalities of Ontario for their support and endorsement of this Resolution; and
5. That this Resolution be forwarded to Sylvia Jones, MPP and David Tilson, MP and all party leaders for their support of this Resolution.

Your consideration and support of this matter is greatly appreciated.

Yours truly,



Heather Asling
Legislative Administrator

e-mail: heather.asling@caledon.ca

cc. Honourable Premier Dalton McGuinty

Honourable Rick Bartolucci, Minister of Municipal Affairs and Housing

Honourable Brad Duguid, Minister of Energy and Infrastructure

David Tilson, MP

Sylvia Jones, MPP

All Regional and Local Municipalities in the County of Brant

All Regional and Local Municipalities in the County of Dufferin

All Regional and Local Municipalities in Durham Region

The City of Guelph

All Regional and Local Municipalities in Haldimand County

All Regional and Local Municipalities in the Region of Halton

The City of Hamilton

City of Kawartha Lakes

All Regional and Local Municipalities in the Region of Niagara

All Regional and Local Municipalities in the County of Northumberland

The City of Orillia

All Regional and Local Municipalities in Peel Region

City of Peterborough

All Regional and Local Municipalities in the County of Peterborough

The City of Toronto

All Regional and Local Municipalities in the County of Simcoe

All Regional and Local Municipalities in Waterloo Region

All Regional and Local Municipalities in the County of Wellington

All Regional and Local Municipalities in York Region