



Corporate Services
Planning and Economic Development Branch

Memorandum

TO: Committee of the Whole
FROM: Valerie Shuttleworth, Chief Planner
DATE: March 5, 2015
RE: **Status Update**
Appeals to the York Region Official Plan 2010 and ROPA 3

This memorandum provides an update regarding Phases 1 and 3 of the Ontario Municipal Board (OMB) hearing process dealing with the York Region Official Plan (YROP-2010) and Regional Official Plan Amendment (ROPA) 3, urban area expansion amendment in Markham.

Defense of the YROP-2010 is occurring through a phased hearing

The Phase 1 hearing, which confirmed the Region's land budget and quantum of urban expansion lands required in Vaughan, Markham and East Gwillimbury to 2031, was completed in June 2013. The Phase 1 OMB decision, released April 2014, supported the Region's methodology and results. Phase 2 of the hearing, to determine where urban expansion would occur within the Town of East Gwillimbury, was resolved in 2012 without the need for a hearing. Phase 3, to determine where the 1,010 hectares of urban expansion required in the City of Markham are designated, is the next phase of the hearing to proceed. Phase 4 will address remaining Region-wide appeals (cemetery policies within rural and agricultural areas) and Phase 5 will involve hearings for site-specific appeals. Phase 4 and 5 hearings will be scheduled (as necessary) no earlier than 2016.

Leave to Appeal the Phase 1 OMB decision to Divisional Court has been dismissed

In September 2014, Council was advised that the Phase 1 OMB decision, released April 1, 2014, had been appealed to Divisional Court. The appeal was filed by CHFMS (Colebay Investments Inc., Highcove Investments Inc., Firwood Holdings Inc., Major McCowan Developments Limited and Summerland Realty Corp. collectively represented by Trinison Management Corp.), the main appellants in the ROPA 3 area. The first step in a Divisional Court appeal is for the Court to grant permission for the appeal to be heard. In December 2014, the Court dismissed the request. It was the view of the Court that the application was premature.

While the OMB hearing could still be subject to a Divisional Court appeal when all phases of the hearing are complete, it was the opinion of the Court that the appellants issues with the Phase 1 decision could be addressed during Phase 3 of the hearing.

The Region was awarded costs in the amount of \$10,000 and the City of Markham, Province of Ontario, and other private parties who appeared were awarded \$5,000 each.

Phase 3 hearing has been scheduled for September 2015

Prior to a pre-hearing conference on January 14, 2015, the OMB advised that they were unable to accommodate the tentative hearing start date of April 2015. At the pre-hearing conference, it was agreed with consent of all parties and the OMB that the Phase 3 hearing would occur over a three week period in September 2015.

Also at the January pre-hearing conference, it was determined that there are a number of procedural matters that the parties have not been able to agree on. The OMB has set aside three days in May to hear motions and provide direction regarding these matters. Resolution of the matters will ensure an orderly and efficient hearing in September.

Next steps

Regional staff continues to encourage settlement discussions with remaining Phase 3 appellants. Staff will report back as necessary on settlement discussions as well as with an update on Phase 3 hearing requirements.

Valerie Shuttleworth, M.C.I.P., R.P.P., Chief Planner

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YORK-#5877851