



## MEMORANDUM

TO: Committee of the Whole

FROM: Valerie Shuttleworth, Director Long Range Planning

DATE: August 22, 2014

RE: **Status Update - Appeals of the York Region Official Plan 2010 and ROPA 3**

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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.

### **Phase 1 decision has been appealed to Divisional Court**

The Phase 1 OMB decision, released April 1 2014, dealt with growth management matters, specifically the Region's land budget work and process as it related to the quantum of urban expansion lands required for the City of Markham. Subsequent to release of the decision, one landowner appealed the decision to Divisional Court. The appeal is a two step process whereby the Court first has to grant permission for the appeal to be heard ("Leave to Appeal"), and if leave is granted, then the appeal itself is scheduled. The leave to appeal application has been filed, and it cites a number of grounds for the appeal – mainly that the Ontario Municipal Board improperly considered a number of factors, which it should not have considered.

The Region is opposing the appeal and is taking the position that the Board's decision was correct and reasonable, and should stand. The Region has asked that part of its legal costs be reimbursed by the appellant, in accordance with regular Divisional Court procedures. The leave to appeal application will likely be heard before the end of the year.

### **Preparation is well underway for Phase 3 of the hearing**

The Phase 1 decision confirmed the quantum of land required for Markham urban expansion as 1,010ha (per the 2010 land budget) and the definition of developable area, both of which are essential inputs for delineating the geographic extent of urban lands (gross land area) required. Phase 3 of the OMB hearing will confirm the appropriate geographic location of urban expansion lands for the City of Markham.

Two of the four initial appellants to ROPA 3 remain: CHFMS (Colebay Investments Inc., Highcove Investments Inc., Firwood Holdings Inc., Major McCowan Developments limited and

Summerlane Realty Corp.,) and Grace Chinese Gospel Church of North York. The North Markham Landowners Group resolved their appeals to ROPA 3 prior to the Phase 1 hearing. More recently, Minotar Holdings Inc., Cor-lots Developments and Cherokee Holdings (Minotar et al) withdrew their appeal by letter to the Board dated August 21, 2014. Both the North Markham Landowners Group and Minotar et al have maintained party status to support the Region's ROPA 3 boundary at the Phase 3 hearing.

An updated Procedural Order including details pertaining to the Phase 3 hearing has been proposed to the Ontario Municipal Board with the consent of all parties. Some key dates are as follows:

July 4, 2014 – Regional staff provided Geographic Information Systems (GIS) data to interested parties in accordance with the findings of the Phase 1 decision  
August 8, 2014 – Appellant parties opposing the Region's urban expansion area boundary (ROPA 3) circulated mapping of alternative urban expansion area  
October & November 2014 – Mediation for Phase 3, including policy 7.2.50 relating to the conveyance of land for new or realigned Regional streets  
February 2015 – Exchange of witness statements  
April 13, 2015 – Target start date for Phase 3 OMB hearing

Alternative urban expansion area boundaries have been proposed by the two remaining appellant parties (see attachments 1 and 2). On August 26, 2014, all parties participating in Phase 3 are required to declare which proposed Urban Expansion Boundary they are supporting at the phase 3 hearing. It is anticipated that the majority of non-appellant parties will support the Region's ROPA 3 boundary.

#### **Next steps**

Regional staff will report back to council on outcomes of the October/November mediation and an update on the Phase 3 hearing requirements.

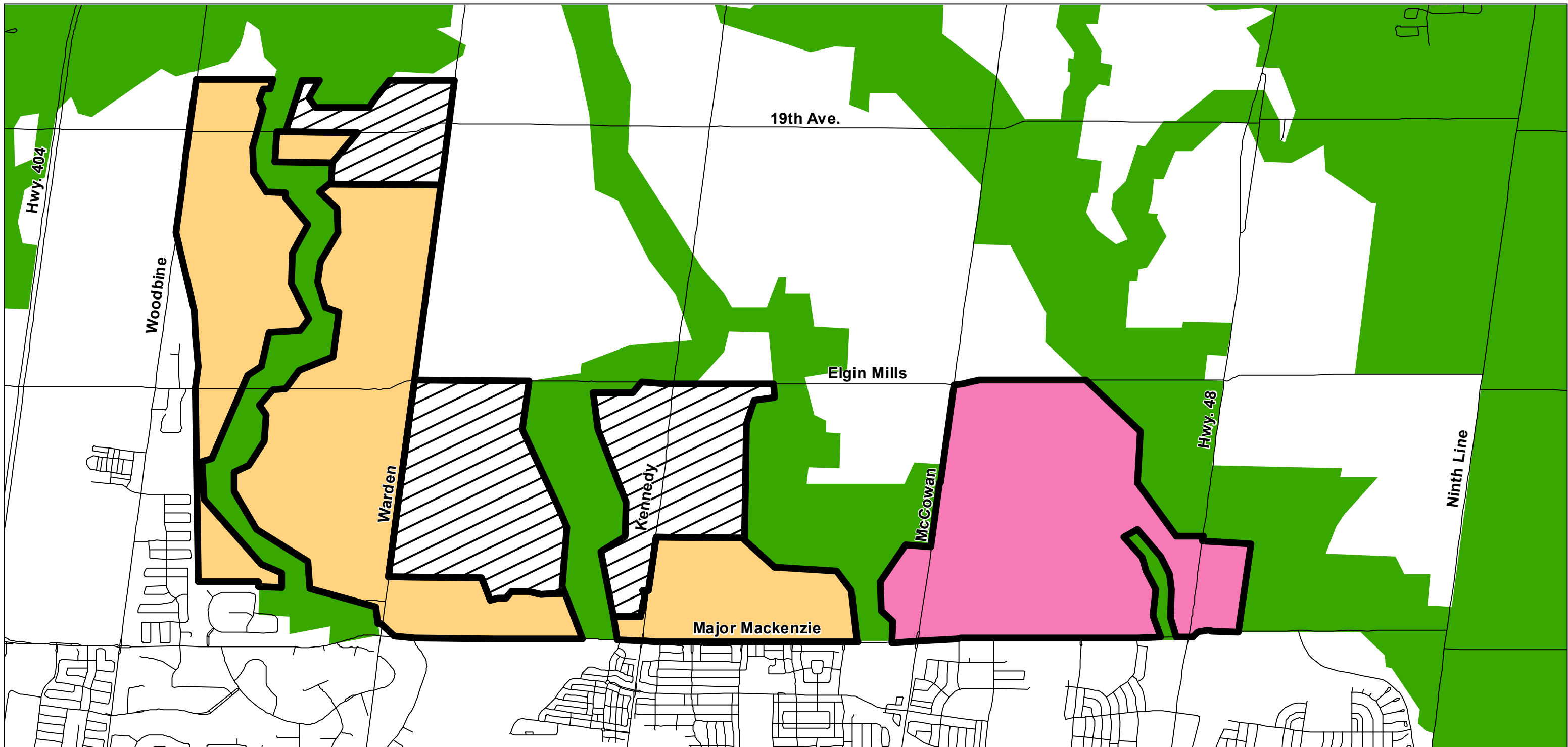


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Valerie Shuttleworth, M.C.I.P, R.P.P  
Director Long Range Planning



SLM

Attachments (2)



 Lands Proposed to be Removed from ROPA 3 = 341.28 ha.

**PROPOSED EXPANSION**

-  Lands Proposed to be Added to ROPA 3\* = 341.87 ha.
-  Lands Remaining Within ROPA 3\*\* = 617.09 ha.
- Little Farm = 33.47 ha.
- Cornell = 43.00 ha.

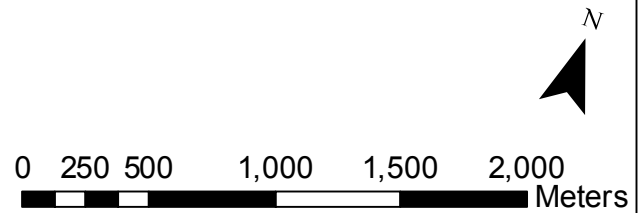
\* Excludes 6.0 ha for the York Region Reservoir  
 \*\* Excludes 10.0 ha for the Angus Glen Community Centre and 3.0 ha for the Boynton Circle Estate Subdivision

**SUB-TOTAL EXPANSION AREA** = 1,035.43 ha.  
 MINUS additional environmental exclusion - 20.00 ha.

**TOTAL EXPANSION AREA** = 1,015.43 ha.

**North Markham Expansion:  
 PREFERRED OPTION**

NOTE:  
 Data used to create this map was obtained  
 from York Region (DevLandDelivery.mdb)



GRACE CHINESE GOSPEL CHURCH OF NORTH YORK

AREA TO BE ADDED TO THE URBAN AREA OUTLINED IN RED (EXCERPT FROM ROPA 3)

