



December 20, 2012

The Honourable Dalton McGuinty
 Premier of Ontario
The Government of Ontario
 Room 281, Main Legislative Building, Queen's Park
 Toronto ON M7A 1A1

Legislative and Planning Services
 Office of the Regional Clerk
 1151 Bronte Road
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 Email: RegionalClerk@halton.ca

VIA EMAIL

Dear Premier McGuinty:

Please be advised that at its meeting held Wednesday, December 12, 2012, the Council of the Regional Municipality of Halton adopted the following resolution:

RESOLUTION: OMB Costs – Provincial Growth Plan

WHEREAS the Region was required by the Province to bring Halton's Official Plan into conformity with the Provincial Growth Plan, as mandated by the Places to Grow Act;

AND WHEREAS the Region approved Regional Plan Amendment No. 37 on June 3, 2009 and approved Regional Plan Amendment No. 38 on December 16, 2009 as required by the Province under the Places to Grow Act, thereby fulfilling the requirement to achieve conformity with the Provincial Growth Plan, at significant cost to the Region;

AND WHEREAS the Province approved Regional Plan Amendment No. 37 on November 25, 2009 and approved Regional Official Plan Amendment No. 38 on November 24, 2011;

AND WHEREAS the Region passed a Resolution on July 7, 2010 requesting the Province to take responsibility for any Ontario Municipal Board hearings relating to the aforesaid approvals and to assume responsibility for all costs incurred by the Region to defend the Growth Plan conformity exercise;

AND WHEREAS the Region has received a total of 41 appeals to Regional Official Plan Amendment Nos. 37 and 38 and must now defend the Official Plan and the Growth Plan conformity exercise undertaken by the Region at an Ontario Municipal Board hearing;

AND WHEREAS the hearing to resolve these appeals is scheduled to commence on September 23, 2013, for a period of 19 weeks and will require the participation of various legal, planning and other expert witnesses, the cost of which to Halton's taxpayers will be several million dollars;

AND WHEREAS it continues to be the Region's firm position that because it is the Province through legislation that has mandated municipalities to achieve conformity with the Growth Plan, as set out in the Places to Grow Act, municipalities should not be required to assume the costs of defending their respective Growth Plan conformity exercises on an appeal to the Ontario Municipal Board.

The Regional Municipality of Halton

NOW THEREFOR BE IT RESOLVED:

1. THAT Regional Council reaffirms its resolution of July 7, 2010, attached as Appendix "1" hereto.
2. THAT this Resolution be forwarded to the Premier and the Minister of Municipal Affairs and Housing, Halton's MPPs and all party leaders in Ontario for their consideration and action.
3. THAT this resolution be forwarded to the City of Burlington and the Towns of Oakville, Milton and Halton Hills, to all other Regional and Local Municipalities within the Greater Golden Horseshoe area affected by the Provincial Growth Plan and to the Association of Municipalities of Ontario, for their consideration and endorsement.
4. THAT this Resolution be forwarded to all other recipients of Regional Council's original resolution of July 7, 2010, for their information and action.

As per the above resolution, please accept this correspondence for your information and consideration.

Sincerely,



Gary Carr
Regional Chair

c. **Minister of Municipal Affairs and Housing**

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* Amended/Added by Committee

** Amended/Added by Council

Adopted by Council July 14, 2010, Meeting No. 09-10

THE REGIONAL MUNICIPALITY OF HALTON

NEW BUSINESS

**13. Request to the Province to Cover all Appeal Costs to the Ontario Municipal Board
* for Growth Plan Conformity Exercises**

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RECOMMENDATION

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 Official Plan passed to achieve conformity with the Provincial Growth Plan must be approved by the Province;

AND WHEREAS the Province permits appeals of its approval decisions on Regional and Local Official Plans regarding conformity 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 defence of any Regional and/or Local Official Plan to achieve conformity 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 Growth Act*;

AND WHEREAS in Halton, the Region of Halton has passed Regional Official Plan Amendments #37 and 38 as required by *The Places to Grow Act* and in the case of Regional Official Plan Amendment #37 that amendment was 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 Amendment #38 and with some if not all of the corresponding local official plan amendments;

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.

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 Regional and Local Official Plan Amendments that are passed pursuant to *The Places to Grow Act* in order to achieve conformity with that 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 defence 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 exercise 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 Regional Chair along with this Resolution to the Premier of the Province of Ontario and the Minister of Municipal Affairs and Housing 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.
- ** 5. THAT this Resolution be forwarded to Halton's MPPs, the Large Urban Mayors' Caucus of Ontario (LUMCO) and Greater Toronto Area (GTA) Mayors and Chairs.
6. THAT this Resolution be forwarded to all party leaders in Ontario.
- ** 7. THAT the Regional Chair write to the above-noted groups to request support for this Resolution and to the Province of Ontario to request that these costs be included in an amendment to the *Development Charges Act*.

* * * * *

COMMITTEE NOTES

MEMBERS PRESENT: T. Adams, Chair
R. Bonnette (arrived at 9:50 a.m.), J. Dennison, A. Elgar,
A. Johnston, B. Lee, J. Taylor
G. Carr, Regional Chair

STAFF PRESENT: Pat Moyle, C.A.O.
M. Meneray, M. Zamojc, R. Glenn, K. Kielt

ALSO PRESENT: R. Beaman, Thomson, Rogers

Item No. 13 – Correspondence from the Town of Halton Hills re: “Motion – Request to Province to Cover all Appeal Costs to the Ontario Municipal Board for Growth Plan Conformity Exercises” was distributed, a copy of which is included in the Information Section of the Council agenda for July 14, 2010.