
Our File/N/Réf. 11-97-0590
Your File/V/Réf.

DATE 10 October 1997

TO/DEST. Regional Chair and Members of Regional Council

FROM/EXP. Planning and Development Approvals Commissioner

SUBJECT/OBJET **NEXT STEPS IN APPROVAL OF 1997 REGIONAL OFFICIAL PLAN**

DISCUSSION

The new Regional Official Plan adopted by Regional Council on 9 July 97 was forwarded to the Minister of Municipal Affairs and Housing for approval on 18 July 97. Indications are that the Ministry will be issuing a "Notice of Decision" in mid October. The "Notice of Decision" will specify the Minister's intent to either approve, modify and approve as modified, or refuse to approve part or parts of the Regional Official Plan. Persons, corporations or public bodies wishing to file a "Notice of Appeal" to the Ontario Municipal Board of the Minister's decision must send the appeal to the Ministry of Municipal Affairs and Housing no later than 20 days from the last date on which "Notice of Decision" is sent.

When the Minister receives a "Notice of Appeal", the matter goes directly to the Ontario Municipal Board. The Board and not the Minister now has the power to dismiss all or part of an appeal without holding a hearing if it is of the opinion that:

- the appeal is not made in good faith or is frivolous or vexatious or is made only for the purpose of delay, or
- the reasons set out in the appeal do not disclose any apparent land use planning ground upon which the plan or part of the plan that is the subject of the appeal could be approved or refused by the Board.

They may also dismiss an appeal without a hearing on other grounds, including that:

- the appellant did not make oral submissions at a public meeting or written submission before the plan was adopted and does not provide a reasonable explanation for the failure to make submission;
- the appellant has not provided written reasons with respect to the appeal;
- the appellant has not paid the prescribed fee (\$125);
- the appellant has not responded to a request by the Municipal Board for further information within the time specified by the Board.

The timing of notice in mid-October will be within the 90 days allowed in the *Planning Act* for the Minister to review the proposed Plan and issue his "Notice of Decision". However, this timing makes it impossible to bring a report on the "Notice of Decision" through Planning and Environment Committee and Regional Council prior to the period when Committee and Council meetings have been cancelled due to the municipal election. Authority has been delegated to the Regional Solicitor to lodge any appeals required to protect the interests of the Regional Municipality. The Commissioner of Planning and Development Approvals will advise the Regional Solicitor as to what appeals are required, so that appeals may be sent within the 20 day limit. Appeals may result from proposed modifications which are not consistent with Council's direction, or from a refusal to approve the Plan as adopted by Council. A report will then be brought forward to Planning and Environment Committee early in 1998, which will inform Committee and Council of the appeals lodged by staff on behalf of Council and of appeals lodged by other parties. This report will provide the opportunity for Committee and Council to either sustain or withdraw the appeals lodged by staff.

CONSULTATION

This is an information report on process; no public consultation has been undertaken on the contents of this report. The Ministry of Municipal Affairs and Housing (MMAH) will send the "Notice of Decision" to all parties who have made a written request for such notice and to all the area municipalities.

FINANCIAL IMPLICATIONS

There will be a cost to the Regional Municipality to pursue its appeals at the Ontario Municipal Board (and defend against others). However it is not possible to estimate this cost until the number and nature of the appeals are known.

CONCLUSION

This memorandum is provided for the information of Committee and Council.

Approved by
N. Tunnaclyffe, MCIP, RPP