July 21, 2010

City Clerk
City of Hamilton
71 Main Street, West
Hamilton, ON L8N 3T4

Dear City Clerk:

SUBJECT: Motion to endorse a resolution requesting the Province to cover all appeal costs to the OMB for Growth Plan Conformity

The Council of the Corporation of the City of Burlington, at its regular meeting held on Thursday, July 15, 2010 approved the following motion:

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 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 in Halton, the Region of Halton has passed Regional Official Plan Amendments #37 and 38 as required by the Places to Grow Act 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 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; and

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; and
3. THAT a letter be sent by the Mayor 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; and

4. THAT this resolution be forwarded to all of the Regional and Local Municipalities within the Greater Hamilton Area and to the Association of Municipalities of Ontario for their support and endorsement of this resolution; and

5. THAT this resolution be forwarded to local MPP’s for their support of this resolution; and

6. THAT this resolution be forwarded to all party leaders.

If you have any questions with reference to the above, please do not hesitate to contact the undersigned.

Yours truly,

[Signature]
Angela Morgan
CITY CLERK