



Mayor's Office

TO: Mayor and Members of Council

SUBJECT: Bill 41 Resolution regarding Place to Grow Amendment

Report Number: MO-02-13

File Number(s):

Report Date: April 23, 2013

Ward(s) Affected: 1 2 3 4 5 6 All

Date to Committee: N/A

Date to Council: April 29, 2013

Recommendation:

WHEREAS municipalities are required to approve Official Plans containing the goals, objectives and policies established primarily to manage and direct physical change and the effects on the social, economic and natural environment of the municipality or part of it;

WHEREAS municipalities rely on these plans when determining the allocation of capital investment within the community to provide infrastructure to service future growth according to those plans;

WHEREAS the introduction of intensification in areas not identified for such purposes in the Official Plan may require changes to long term infrastructure planning at additional costs to the municipality and subtract from, and limit a municipalities' ability to implement the policies of that plan;

WHEREAS Bill 41, "*Preserving Existing Communities Act, 2013*" is currently before the Provincial Legislature and has been referred to the Standing Committee on Government Agencies; and

WHEREAS Bill 41 proposes to amend the *Places to Grow Act, 2005* to provide that certain municipal decisions rejecting development proposals that would involve intensification in the plan are not subject to appeal to the Ontario Municipal Board;

THEREFORE BE IT RESOLVED THAT the Province of Ontario be advised that the City of Burlington support the principles of Bill 41;

THAT the Province of Ontario be requested to ensure that where the municipality has an Official Plan, approved by the Province which conforms with the requirements of the Province's *Places to Grow Act*, that where a development application is submitted to the municipality requesting an Official Plan amendment to enable development, which Council deems not in conformity with its Official Plan, the development application shall have no right of appeal to the Ontario Municipal Board and the decision of Council shall be final; and

THAT, despite subsection 22(7) of the *Planning Act*, there be no appeal permitted in respect of the official plan policies of a municipality or a planning board, adopted to conform to the growth management population, intensification and employment targets and policies as set out in the *Provincial Growth Plan for the Greater Golden Horseshoe area* and related regulations and Provincial policies; and further

THAT this resolution be forwarded to the Association of Municipalities of Ontario (AMO), the Large Urban Mayors Caucus of Ontario (LUMCO) and the local Members of Provincial Parliament, Jane McKenna and Ted Chudleigh, for support.

Purpose:

- Address goal or action in strategic plan
- Establish new or revised policy or service standard
- Respond to legislation
- Respond to staff direction
- Address other area of responsibility

Reference to Strategic Plan:

- Vibrant Neighbourhoods
- Prosperity
- Excellence in Government
- N/A

Prepare a statement to support the strategic direction, otherwise delete this row (F2). [View plan.](#)

Executive Summary: Request Burlington City Council's Support for MPP Frank Klees Bill 41, An Act to amend the Places to Grow Act, 2005 with respect where a municipality has an Official Plan that conforms to provincial intensification policies, and the municipality can demonstrate that it is achieving the targets for densities as outlined in the Provincial Growth Plan, and where the municipality receives an application requesting densities to be located in an area not designated for additional densities, then the decision of the municipality will be final. 2013
http://www.frankklees.on.ca/CurrentIssues/PMB_PreservingExistingCommunitiesAct.htm

Background:

MPP Frank Klees presented his Private Members Bill in the legislature where it passed the Second Reading on April 18. Klees has indicated that the currently written, Places to Grow Act and the Growth Plan provide a significant portion of new growth is to take place through intensification in existing built-up areas. The result is that the quality of life and the very character of existing communities can be negatively affected, not to mention the impact on property values and the strain on the infrastructure of the community.

MPP Klees is proposing to amend the Places to Grow Act through a Private Members Bill to provide that where an application is made that would increase the number of housing units in an existing community or extend that intensification to lands designated as Parks and Open Space, the decision made by a municipal council will be final and can not be appealed to the Ontario Municipal Board."


The proposed amendments would not prevent an applicant from working with a municipal council to come to reasonable terms on a proposed development, but that it would be the local council that would have the final decision, not the Ontario Municipal Board.

Discussion:

Review of the proposed Bill 41, An Act to amend the Places to Grow Act, 2005

Financial Matters: N/A

Communication Matters: N/A



Respectfully submitted,

Mayor Rick Goldring

905 335 7607

Appendices:

A.
B.

Notifications:
(after Council decision)

Name	Mailing or E-mail Address

Approvals:

*required

*Department

City Treasurer

General Manager

City Manager