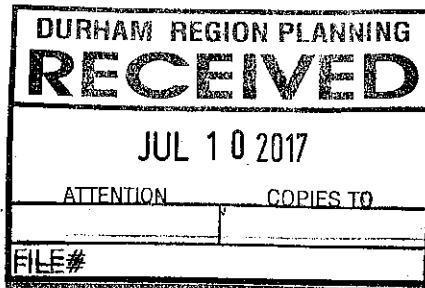


Ministry of
Municipal Affairs

Ministère des
Affaires municipales



Fax

TO:

Name:	Brian Bridgeman, Commissioner of Planning and Economic Development; Rogers Saunders, Director, Policy and Current Planning
Fax No.:	905-666-6208
Organization:	Regional Municipality of Durham

FROM:

Name:	Sophie Knowles
Fax No.:	416-585-7292
Phone No.:	416-585-6659
Ministry of Municipal Affairs Municipal Programs & Education Branch 16 th floor, 777 Bay Street Toronto ON M5G 2E5	

Date: July 10, 2017

No. of pages (including cover page): 5

Message:

Please see the attached appeal in response to the Regional Municipality of Durham Council's June 19, 2017 decision to adopt Official Plan Amendment No. 107 to the Municipality of Clarington Official Plan. You will find the following enclosed:

- A letter of appeal for Council's decision on OPA 107 to the Municipality of Clarington Official Plan;
- One credit memo for the prescribed OMB appeal fee;

This appeal was submitted today to Ralph Walton (Clerk). Please call me at 416-585-6659 once you have received all 5 pages of this fax.

Sophie Knowles
Senior Planner, OMB and Information Coordinator
One Window Planning Office
Ministry of Municipal Affairs

Ministry of the Attorney General
Legal Services Branch

Ministère du Procureur général
Direction des services juridiques

Ministry of Municipal Affairs
Ministry of Housing

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July 10, 2017

Sent via Fax 905-668-9963

Ralph Walton, Regional Clerk
Regional Municipality of Durham
Regional Headquarters – Main Floor
605 Rossland Road East
P.O. Box 623
Whitby, ON,
L1N 6A3

Dear Mr. Walton,

Re: Notice of Appeal of the Decision of Council of the Regional Municipality of Durham to approve the Municipality of Clarington Official Plan Amendment No. 107

Pursuant to s. 17(36) of the *Planning Act*, the Minister of Municipal Affairs hereby appeals the June 19, 2017 decision of Council of the Regional Municipality of Durham to approve Amendment No. 107 (OPA 107) to the Municipality of Clarington Official Plan.

The purpose of OPA 107 is to bring the Municipality of Clarington's Official Plan into conformity with the Growth Plan for the Greater Golden Horseshoe (Growth Plan), the Greenbelt Plan and Durham's Official Plan.

Durham's decision to approve OPA 107 would provide for, among other matters:

- 1) the proposed expansion of the Orono urban area to accommodate the East Orono Employment Area and identification of Orono as a special study area for future urban boundary expansion, and
- 2) a limitation on the types of dwellings that second units are allowed to be incorporated into.

The basis for this appeal of the above two matters is that Durham's decision to approve OPA 107:

- 1) is not consistent with the Provincial Policy Statement, 2014 (PPS) and does not conform to the Region of Durham's Official Plan, the Greenbelt Plan, and the Growth Plan; and
- 2) does not appropriately implement the requirements of the *Planning Act*.

More specifically, the reasons for this appeal are that Durham's decision to approve OPA 107:

- (a) does not conform to the in-effect portions of the Region of Durham's Official Plan;
- (b) is not consistent with policy 1.1.3.8 of the PPS which provides that expansion of a settlement area boundary may be identified only where it has been demonstrated that:
 - a) sufficient opportunities for growth are not available through intensification, redevelopment and designated growth areas;
 - b) the infrastructure and public service facilities which are planned or available suitable for the development over the long term, are financially viable over their life cycle, and protect public health and safety and the natural environment;
- (c) does not conform to policy 3.4.4 of the Greenbelt Plan, which provides that a settlement expansion may be considered provided the proposed expansion is supported by the substantial completion of background studies or report by municipal staff or planning consultants, or the expenditure of municipal funds on the consideration of such expansion, among other matters;
- (d) does not conform to policy 2.2.8.2 of the Growth Plan which provides that a settlement area boundary expansion may only occur where it has been demonstrated that sufficient opportunities to accommodate forecasted growth are not available i) within the regional market area, as determined by the upper- or single-tier municipality, and ii) within the applicable lower-tier municipality to accommodate the growth allocated to the municipality; and
- (e) does not appropriately implement s. 16(3) of the *Planning Act*.

While the principal reasons for this appeal are set out above, nothing contained in this notice of appeal shall be deemed to restrict subsequent or more detailed objections.

Attached is a Credit Memo in the amount of \$300.00, which confirms payment from the Ministry of Municipal Affairs to the Ontario Municipal Board. This represents the appeal fee, as prescribed under the *Ontario Municipal Board Act*.

Should you have any questions regarding this matter, please contact Darryl Lyons, Manager, Community Planning and Development at (416) 585-6048 or Janani Mahendran, Senior Planner (A) in this Ministry's Municipal Service Office – Central Ontario at (416) 585-7578.

Yours truly,



Irvin M. Shachter
Senior Counsel

Encl: *Credit Memo*

- c. Brian Bridgeman, Commissioner of Planning and Economic Development
Rogers Saunders, Director, Policy and Current Planning, Regional Municipality of Durham
Darryl Lyons, Manager, Community Planning and Development, MSO-C
Sophie Knowles, Senior Planner, OMB and Information Coordinator

Ministry of
Municipal Affairs

Ministère des
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July 10, 2017

CREDIT MEMO

MEMORANDUM TO: Mary Ann Hunwicks
Registrar
Ontario Municipal Board

Re: **NOTICE OF APPEAL**
Appeal of the Decision of Council of the Regional
Municipality of Durham to approve the Municipality of
Clarington Official Plan Amendment No. 107
Credit Memo No.: 17-007

Please accept this Credit Memo as payment of the fee prescribed under the Ontario Municipal Board Act in the amount of \$300.00.

This Memo authorizes payment from the responsibility centre for the Municipal Programs and Analytics Branch. By copy of this Credit Memo, the Financial Services Delivery Branch (Shared Services Bureau) is directed to transfer the above noted amount to the responsibility centre of the Ontario Municipal Board.

If you have any questions, please contact Sophie Knowles (Senior Planner, OMB and Information Coordinator, One Window Office) at 416-585-6659.

Andrew Tang
Director
Municipal Programs and Analytics Branch

cc. General Accounting Unit, Ontario Shared Services
Michael Lewis, Environment and Land Tribunals Ontario