

May 13, 2022

Regional Municipality of Halton
c/o Regional Clerk Graham Milne
1151 Bronte Road
Oakville, ON L6M 3L1

Denise Baker
Partner
t. 416-947-5090
dbaker@weirfoulds.com

File 18721.00003

Dear Chair Carr and Members of Regional Council:

**RE: Region of Halton Draft Official Plan Amendment No.49
 1602211 Ontario Limited Branthaven, 735 Oval Inc., 1471681 Ontario Inc.,
 S&G Consulting Inc., 5135 Fairview Holdings Inc. and Branthaven
 Development Corporation, (collectively, the “Client”)**

I am writing to you on behalf of the Client who own lands within the Appleby Major Transit Station Area (“MTSA”) adjacent to Oval Court. As part of the growth management strategy to implement the Places to Grow Plan, the Region of Halton, through ROPA 48, identified significant residential and employment growth to occur within the Appleby and other MTSA’s. ROPA 49 contains additional policies supporting this overarching direction of the Province and the Region to accommodate this growth in these locations.

The Client is proposing to develop lands at Oval Court which are within the Appleby GO MTSA, for a mixed- use development including residential, employment and community supportive uses (the “Proposal”). It is anticipated that the Proposal will represent the most significant contribution of new housing in the Appleby GO MTSA, allowing it to achieve its planning objectives in terms of intensification and population.

It is our submission that the Draft ROPA 49 does not conform with the requirements of the Provincial Growth Plan in that it effectively accommodates growth only to 2041 rather than the 2051 time horizon required by the Growth Plan and provides no direction to local municipalities, as to how to plan for growth beyond 2041. Concerns include:

1. The ROPA only accommodates population and employment growth within Halton’s existing Regional Urban Boundary to 2041, while providing a “framework” for planning for

growth from 2041 to 2051. Table 1 of ROPA 49, which lays out the population targets for each local municipality only shows the current population and employment and the target population and employment for 2041. For growth between 2041 and 2051, the table shows only asterisks for the area municipalities. The asterisk then refers to policies outlining lengthy criteria on how growth could be accommodated within future plans. This does not provide the necessary framework to plan for the anticipated growth within the MTSA's to 2051.

2. Policy 5.2.4.2 of the Growth Plan states: "All upper- and single-tier municipalities will, at a minimum, through a municipal comprehensive review, apply the forecasts in Schedule 3 or such higher forecasts as are established by the applicable upper- or single-tier municipality through its municipal comprehensive review for planning and managing growth to the horizon of this Plan." This has not been achieved through ROPA 49. There is no policy in the Growth Plan which permits municipalities to plan based on projections which are lower than those contained in Schedule 3. Through ROPA 49, the Region would be planning for a population which is 149,000 persons fewer than the 2051 Growth Plan projection for Halton Region contained in Schedule 3.

In addition to the foregoing, we are concerned with respect to Section 143(12) is a policy which seeks to elevate the status of land use compatibility guidelines, into policy, which in our submission is not appropriate, particularly because the regional and provincial guidelines are both out of date and there is no clear path as to when those updates will occur. As such it is our request that the reference to these guidelines be removed from the Official Plan. Until such time as the guidelines are updated, there will be potential conflicts associated with any development application being able to be consistent with the PPS and conform to the Growth Plan and meet these outdated guidelines.

Our concerns regarding 143(12) are not simply theoretical, but rather as it relates to our lands, have materially impacted the development applications filed by the Client. In that instance, comments have been received from Halton Region planning staff relating to land use compatibility (April 6, 2020) and Regional staff's interpretation of the application of the provincial land use compatibility guideline. These comments will result in a significant impediment on the ability of the Appleby MTSA to serve its intended function and its ability to contribute to housing supply and intensification.

This position by Regional staff could seriously compromise the housing supply calculations in the Region's Land Needs Assessment and result in additional settlement area expansion being required in order for the Region to satisfy the Growth Plan Schedule 3 minimum population targets. This is a serious issue that needs to be addressed by the Region prior to the adoption of ROPA 49.

The ability of the MTSA to achieve significant intensification, and accommodate significant population is fundamental to the Region's planning approach in its current Municipal Comprehensive Review. The objective of minimizing settlement area expansion is proposed to be largely achieved through reliance upon intensification to satisfy the requirements for population growth established in the Growth Plan.

The Region's Land Needs Assessment is built upon these intensification areas as their foundation for meeting provincial forecasts and targets. Even before Regional Council's decision to adopt a modified growth concept involving no settlement area expansion, the focus of planning as reflected in the Land Needs Assessment was directed upon delivering on this intensification.

The Region simply cannot afford to lose any of the proposed growth in the MTSA and, at the same time, have any prospect of satisfying the Growth Plan Requirements for population and employment. The interpretation, application and impact of the current and proposed land use compatibility policies need to be carefully assessed by the Region to ensure that the growth objectives can be met prior to proceeding with the adoption of ROPA 49.

We note that our consultants had a meeting scheduled with the Region to discuss the implications of the land use compatibility policies and their application within MTSA generally, however the Region cancelled that meeting. We remain committed to open and transparent dialogue in the hopes of arriving at a solution through meaningful discussion. To that end, we request that the Region reinstate the previously scheduled meeting as soon as possible.

Yours truly,

WeirFoulds LLP

A handwritten signature in black ink that reads "DBaker". The signature is written in a cursive, flowing style.

Per: Denise Baker
Partner

DB/mw

17658112.1