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# The Regional Municipality of Durham Report

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To: Planning and Economic Development Committee  
From: Commissioner of Planning and Economic Development  
Report: #2023-P-28  
Date: November 7, 2023

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**Subject:**

Durham Region's response to Environmental Registry of Ontario Postings [#019-7735](#) and [#019-7739](#) related to a Proposed Act regarding the Duffins Rouge Agricultural Preserve and Proposed Act to return lands to the Greenbelt - Greenbelt Statute Law Amendment Act, 2023

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**Recommendations:**

That Planning and Economic Development Committee recommend to Regional Council:

- A) That Commissioner's Report #2023-P-28 be endorsed as the Region's formal comments supporting Environmental Registry of Ontario Postings [#019-7735](#) and [#019-7739](#) related to a Proposed Act regarding the Duffins Rouge Agricultural Preserve and Proposed Act to return lands to the Greenbelt – Greenbelt Statute Law Amendment Act, 2023, as consistent with Regional Council's December 21, 2022, position that the province return environmental and Greenbelt protections to all of the areas being removed;
- B) That the proposed policy and mapping modifications to the adopted Regional Official Plan, as amended, as contained in Attachments #2 and #3 to Commissioner's Report #2023-P-28 be endorsed to support the return of lands to the Greenbelt;
- C) That Regional staff be directed to work with Provincial staff in their consideration of the proposed modifications in an effort to obtain approval of the new Regional Official Plan; and

- D) That a copy of this report be sent to the Minister of Natural Resources and Forestry, the Minister of Municipal Affairs and Housing, the MPPs in Durham and the area municipalities.
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## Report:

### 1. Background and Purpose

- 1.1 On October 16, 2023, the Minister of Natural Resources and Forestry advised that the provincial government introduced legislation that, if passed, would continue the protections of the easements and covenants applicable to the Duffins Rouge Agricultural Preserve (DRAP) and repeal the Duffins Rouge Agricultural Preserve Repeal Act, 2022, through Environmental Registry of Ontario (ERO) posting [#019-7735](#) (Attachment #1). The deadline for comments is November 30, 2023.
- 1.2 Also on October 16, 2023, the Government of Ontario advised that it was seeking feedback on a proposal to return lands to the Greenbelt within Durham located in Pickering, Ajax and Clarington, through ERO posting [#019-7739](#) (Attachment #1). The deadline for comments is November 30, 2023.
- 1.3 In Durham Region, the Greenbelt removals included approximately 1,820 hectares (4,500 acres) of land in three locations:
- In the City of Pickering – lands located south of Highway 407, west of West Duffins Creek and north of the CP Belleville rail line, and east of York-Durham Line, known as the Duffins Rouge Agricultural Preserve (1,736 ha/4,289 ac);
  - In the Municipality of Clarington – lands located at the northeast corner of Nash Road and Hancock Road, west of Highway 418 (35 ha/86 ac); and
  - In the Town of Ajax – lands located on the south side of Kingston Road East, north of Highway 401 and west of Lake Ridge Road, at 765 and 775 Kingston Road East (54 ha/133 ac).
- 1.4 On December 14, 2022, Regional Council considered Report #2022-COW-31 which outlined the government's plan to remove lands from the Greenbelt. Attached to Report #2022-COW-31 was a letter from the Chief Administrative Officer to the Minister of Municipal Affairs dated December 1, 2022, expressing a variety of concerns with the proposed Greenbelt removals (e.g. servicing, timing, financing, environmental). The main recommendation of the Report #2022-COW-31 was that the CAO's letter be endorsed as the Region's formal comments on the proposed Greenbelt removals. At the December 14<sup>th</sup> meeting, Regional Council further

amended the staff recommendation by adding two new clauses which call on the province to return environmental and Greenbelt protections to all of the areas being removed.

- 1.5 The CAO's December 1st letter also acknowledged the need for more housing to be built but recommended that the province focus on collaborating with all affected parties, including the development community, upper and lower tier municipalities, to redouble efforts on accelerating units already within the planning process, rather than redirecting attention by removing areas of the Greenbelt that have not been contemplated to accommodate growth.
- 1.6 On September 27, 2023, Regional Council considered Report #2023-P-23 which outlined the government's plan to return lands to the Greenbelt located at 765 and 775 Kingston Road East in the Town of Ajax (ERO Posting [#019-7561](#) and [O. Reg. 59/05](#)). These lands were part of the 15 parcels removed from the Greenbelt in December 2022 (detailed in Report #2022-COW-31); however, the move to return the lands in Ajax to the Greenbelt was initiated after the owners listed the lands for sale. This action contravened the government's expectations that detailed plans to build housing on these lands would demonstrate significant progress on approvals and implementation by the end of 2023.
- 1.7 The purpose of Report #2023-P-23 was to advise the province that Regional Council supported the return of these lands in Ajax to the Greenbelt, as this would be consistent with Regional Council's December 21, 2022, position that the province return environmental and Greenbelt protections to all of the areas being removed.

## **2. Previous Reports and Decisions**

- 2.1 On November 10, 2022, Report [#2022-INFO-92](#) was released to advise outgoing and incoming Council of the proposed changes to the Greenbelt Plan.
- 2.2 On December 14, 2022, Report [#2022-COW-31](#) provided Durham Region's response to the provincial consultation on Proposed Amendments to the Greenbelt Plan.
- 2.3 On December 19, 2022, Council Memorandum [CC 122](#) advised Council that the province had published O. Reg. 567/22 providing notice that a change to the Greenbelt Act was being enacted related to the Protected Countryside Removals and the 2022 Urban River valley additions.

- 2.4 On December 21, 2022, Regional Council endorsed Report #2022-COW-31 and further modified the staff recommendations as noted in the final [Council resolution](#).
- 2.5 On September 27, 2023, Report [#2023-P-23](#) provided Durham Region's response to the provincial consultation related to an Amendment to the Greenbelt Area boundary regulation in the Town of Ajax for one of the Greenbelt Removal sites.

### **3. Proposed Duffins Rouge Agricultural Preserve Act**

- 3.1 To align with the broader proposed amendments to return lands to the Greenbelt, ERO #019-7735 proposes to continue the protections of the easements and covenants applicable to the Duffins Rouge Agricultural Preserve and repeal the Duffins Rouge Agricultural Preserve Repeal Act, 2022 (DRAPRA).
- 3.2 The net effect of this proposal, in combination with the proposed Greenbelt Statute Law Amendment Act (detailed in Section 4 of this report), will return these lands (1,736 ha/4,289 ac) within the City of Pickering back to the Greenbelt Area and restore the agricultural and environmental protections in the Duffins Rouge Agricultural Preserve. Regional staff support the proposed Duffins Rouge Agricultural Preserve Act as it is consistent with Regional Council's December 21, 2022, position that the province return environmental and Greenbelt protections to all of the areas being removed.

### **4. Proposed Greenbelt Statute Law Amendment Act, 2023 (Bill 136)**

- 4.1 After further consideration of the provincial decision to remove or designate 15 areas of land totalling approximately 7,400 acres (2,995 hectares) from the Greenbelt Area, the government has acknowledged that the process for the 2022 Greenbelt removals was too fast and not sufficiently transparent.
- 4.2 In response to feedback by Indigenous communities, the public, municipalities (including the Region of Durham), stakeholders and the recent reports from the Office of the Auditor General of Ontario and the Integrity Commissioner of Ontario, the government has introduced proposed legislative amendments that would:
  - a. Add the 15 sites back to the Greenbelt that were removed/redesignated in December 2022 by incorporating the description of the Greenbelt Area and Oak Ridges Moraine Area boundaries directly into the legislation. This includes the approximately 1,820 hectares (4,500 acres) of land in Pickering, Ajax and Clarington (Courtice);

- b. Provide for a concurrent amendment to the Greenbelt Plan's land use schedules to restore the same protections to lands that they had before the 2022 amendment. Details on proposed modifications to Greenbelt Plan mapping, specifically where these modifications impact the adopted Regional Official Plan (ROP), as amended, are outlined in Section 5 and Attachment #3 of this report;
  - c. Eliminate the authority to add or remove lands to/from the Greenbelt Area and Oak Ridges Moraine Area by regulation so that any future amendments to these Areas would require legislative change to the Greenbelt Act or the Oak Ridges Moraine Conservation Act. Going forward, any proposed changes to the Greenbelt boundary would require the approval of the Ontario Legislature through an open, public and transparent legislative process (i.e. currently, governments can change the Greenbelt Area through regulations, which do not require a vote of the legislature);
  - d. Continue to provide that no Plan amendments can be made that would reduce the total area in the Greenbelt Plan; and
  - e. Strengthen existing Greenbelt Act immunity provisions to limit the legal liability of current and former ministers and staff from the decisions that led to the removal of parcels, and now reversal to put those parcels back into the Greenbelt Area. The province has advised that the government will not be compensating Greenbelt landowners affected by the changes.
- 4.3 To enable the amendments above to fully restore the Greenbelt Area, the province proposes several technical changes to the Greenbelt Act, 2005, the Ministry of Municipal Affairs and Housing Act, and the Oak Ridges Moraine Conservation Act, 2001. Regional staff support the amendments under the proposed Greenbelt Statute Law Amendment Act as it is consistent with Regional Council's December 21, 2022, position that the province return environmental and Greenbelt protections to all of the areas being removed.

## **5. Envision Durham, the Region's New Regional Official Plan**

- 5.1 Durham is planning for and experiencing significant population and employment growth. Envision Durham, the Region's new Official Plan, was adopted by Regional Council on May 17, 2023, and is currently awaiting approval by the Minister of Municipal Affairs and Housing. The new Regional Official Plan will more than accommodate the Region's forecast population of 1.3 million people and 460,000 jobs by 2051. These forecasts represent a near doubling of the Region's historic growth rate.

- 5.2 As part of Envision Durham, new settlement area boundary expansions include over 3,700 ha (9,100 acres) of land primarily within the “whitebelt” (the land between the existing urban area and the Greenbelt). New housing supply for the coming decades can be accommodated through settlement area boundary expansions, within intensification areas, employment area conversions and within new transit-oriented communities. In staff’s view, no need was demonstrated to expand into the Greenbelt to account for the province’s housing targets. Provincial forecasts and area municipal growth targets as they apply to Durham have been accommodated through Council’s adoption of Envision Durham. In the past year or so, other Regions within the Greater Golden Horseshoe have similarly adopted new official plans to accommodate their growth forecasts to 2051 with corresponding urban boundary expansions.
- 5.3 In response to the provincial amendments to the Greenbelt Plan enacted in December 2022, Regional staff made several policy and mapping refinements to the draft new ROP to reflect the removal of the three parcels in Pickering, Ajax and Clarington (Courtice). These refinements, which were included in the May 17<sup>th</sup> Regional Council adopted ROP, as amended, identified the subject lands as Special Study Areas (SPA #6). This approach reflects the province’s stated intention to return removed lands back to the Greenbelt if certain milestones are not achieved (i.e. progress on planning approvals by 2023, and homes under construction by 2025). The adopted policies mirror the province’s requirements for development within these areas. As the province is both the approval authority for the new ROP and the authority to be satisfied as to the progress of development in the Greenbelt Removal Areas, any modifications to the ROP due to Greenbelt removals were intended to form part of a future provincial decision.
- 5.4 However, given the proposed amendments outlined in this Report to reverse the Greenbelt Removals from December 2022, Regional staff propose the following policy modifications to the new ROP (refer to Attachment #2):
- a. Delete adopted Policy 9.1.2 e) to remove the Special Study Area #6 overlay from the three parcels in Pickering, Ajax and Clarington (Courtice);
  - b. Add the Duffins Rouge Agricultural Preserve to Specific Policy Area A, including new Policy 9.2.6 to ensure that any development contemplated within the area must be in accordance with appropriate governing legislation; and
  - c. Technical housekeeping to update adopted Policy numbering to accommodate the above noted new Policies.
- 5.5 In addition to policy modifications, Regional staff propose mapping modifications to

the new ROP Maps 1 to 4 to reflect the above noted policy modifications, such as removing the Specific Study Area #6 overlays, updating Specific Policy Area A to re-incorporate the Duffins Rouge Agricultural Area, and updates to return lands back into the Greenbelt Boundary (refer to Attachment #3).

- 5.6 Regional staff recommend that the proposed policy and mapping modifications to the adopted ROP, as amended, as contained in Attachments #2 and #3 be endorsed to support the return of lands to the Greenbelt. Furthermore, Regional staff are committed to continuing to work with Provincial staff in their consideration of the proposed modifications, including those proposed in this Report, in an effort to obtain approval of the new Regional Official Plan.

## **6. Costs incurred by Region related to Greenbelt Removals**

- 6.1 On October 22, 2023, the government announced that it will compensate municipalities for the financial burden incurred for work related to the reversal of Greenbelt land removals and urban boundary expansions.
- 6.2 Between December 2022 and September 2023, Regional staff invested considerable effort related to planning for the Greenbelt removals. As a result, Elaine Baxter-Trahair, Regional CAO, has requested that the Region of Durham be reimbursed \$322,000 for the direct and indirect costs of this work in an effort to reduce the burden on Regional taxpayers and ratepayers (refer to Attachment #4).

## **7. Relationship to Strategic Plan**

- 7.1 This report aligns with/addresses the following strategic goals and priorities in the Durham Region Strategic Plan:
- a. Goal 1 Environmental Sustainability
  - b. Goal 2 Community Vitality

## **8. Conclusion**

- 8.1 Returning the lands in Pickering, Ajax and Clarington to the Greenbelt Area is consistent with Durham Regional Council's previous positions that the province return environmental and Greenbelt protections to all of the areas being removed.
- 8.2 The recommended policy and mapping modifications to the new ROP conform with the proposed legislative changes, once passed, and will ensure that the new ROP currently with the Minister for review and approval is up to date.

**9. Attachments**

- Attachment #1: Letter from the Hon. Graydon Smith, Minister of Natural Resources and Forestry (October 16, 2023)
- Attachment #2: Policy modifications to return lands to the Greenbelt
- Attachment #3: Mapping modifications to return lands to the Greenbelt (ROP Maps 1 to 4)
- Attachment #4: Letter to the Hon. Paul Calandra, Minister of Municipal Affairs and Housing (October 24, 2023)

Respectfully submitted,

Original signed by

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Brian Bridgeman, MCIP, RPP, PLE  
Commissioner of Planning and Economic  
Development

Recommended for Presentation to Committee

Original signed by

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Elaine C. Baxter-Trahair  
Chief Administrative Officer



Ministry of Natural  
Resources and Forestry

Office of the Minister

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naturelles et des Forêts

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October 16, 2023

Elaine Baxter-Trahair  
Chief Administrative Officer  
Durham Region  
[elaine.baxter-trahair@durham.ca](mailto:elaine.baxter-trahair@durham.ca)

and

Alexander Harras  
Director of Legislative Services  
Durham Region  
[alexander.harras@durham.ca](mailto:alexander.harras@durham.ca)

Dear Elaine Baxter-Trahair and Alexander Harras:

**Subject:** Proposed Act regarding the Duffins Rouge Agricultural Preserve.

I am writing to you to let you know that the Ontario government introduced legislation that, if passed, would continue the protections of the easements and covenants applicable to the Duffins Rouge Agricultural Preserve (DRAP) and repeal the *Duffins Rouge Agricultural Preserve Repeal Act, 2022*. The DRAP easements and covenants would be deemed valid regardless of any action taken before or after February 28, 2005, to release or amend them. This proposal can be found on the Environmental Registry of Ontario (#019-7735) or at <https://ero.ontario.ca/notice/019-7735>.

In 2005, the *Duffins Rouge Agricultural Preserve Act* (DRAPA) was enacted to maintain easements and covenants on the Duffins Rouge Agricultural Preserve in the City of Pickering. This Act was repealed in December 2022 to align with changes to the Greenbelt Area at the time and was an enabling measure to support the province's goal of building 1.5 million homes over the next 10 years.

This proposal aligns with another proposal on the Environmental Registry of Ontario in which the Ontario government introduced legislation to restore lands that were redesignated or removed from the Greenbelt and the Oak Ridges Moraine areas in late 2022. If passed, this legislation would strengthen protections for these areas by ensuring any future boundary changes can only be made through an open, public and transparent legislative process. More information on this proposal to return lands to the Greenbelt can be found on the ERO (#019-7739) at <https://ero.ontario.ca/notice/019-7739>.

We look forward to receiving your feedback on the proposed Duffins Rouge Agricultural Preserve legislation. Comments can be sent through the registry (ERO-019-7735) or to [NHplanning@ontario.ca](mailto:NHplanning@ontario.ca) by November 30, 2023.

Sincerely,

A handwritten signature in black ink, appearing to read "Graydon Smith". The signature is fluid and cursive, with the first name "Graydon" being more prominent than the last name "Smith".

The Honourable Graydon Smith  
Minister of Natural Resources and Forestry

# Supporting Sections

## Chapter 9. Site Specific Policies

### 9.1 Special Study Areas

9.1.2 Ensure that until such time as appropriate amendments have been adopted for a Special Study Area, the existing zoning by-laws that apply to the Special Study Area may remain in force, or may be amended, provided that such by-laws allow only uses, such as agricultural and/or temporary uses, in accordance with the provisions of the Planning Act and this Plan, and provided that such uses, if developed, will not prejudice the conclusions and recommendations of the intended studies for the following sites:

- e) ~~Special Study Area 6 applies to the lands removed from the Greenbelt Plan Area by the Province of Ontario within the City of Pickering, Town of Ajax and Municipality of Clarington. In accordance with the province, the following conditions must be addressed to the satisfaction of the province, or it will initiate the process to return the lands back to the Greenbelt Plan Area:~~
- ~~i) significant progress on approvals is to be achieved by the end of 2023;~~
  - ~~ii) construction of new homes is to begin on these lands by no later than 2025; and~~
  - ~~iii) proponents will fully fund the necessary infrastructure upfront.~~

Delete  
adopted  
Policy  
9.1.2 e)

~~If these conditions are addressed to the satisfaction of the province, the lands may be included within the Urban Area Boundary, and the population, household and employment forecasts may be revised to reflect the provision of additional housing supply in these areas.~~

## 9.2 Specific Policy Areas

Revise  
sub-  
section  
heading

### Specific Policy Area A – Seaton Urban Area & Duffins Rouge Agricultural Preserve

It is the policy of Council to:

Add new  
Policy  
9.2.6

9.2.6 Permit development and site alteration on lands within the Duffins Rouge Agricultural Preserve in accordance with provincial legislation governing the Duffins Rouge Agricultural Preserve easements and covenants.

Adopted  
Policies  
9.2.6 to  
9.2.10 to  
be revised  
to Policies  
9.2.7 to  
9.2.11

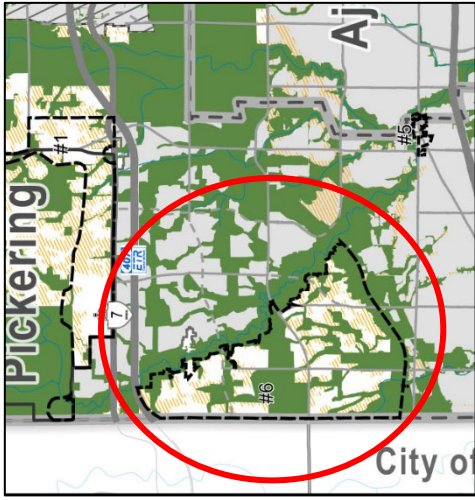
#### Note:

\*Underlined text will be bookmarked to defined terms within the Glossary of the new ROP.

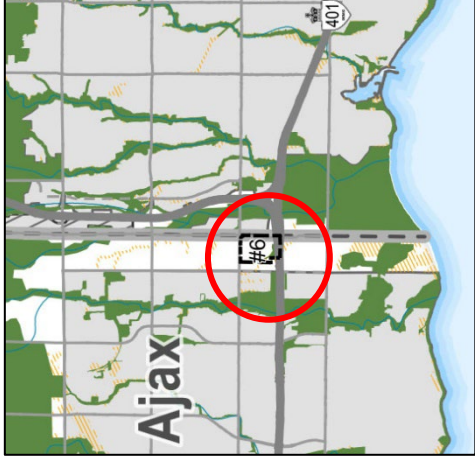


# Map 2a. Regional Natural Heritage System

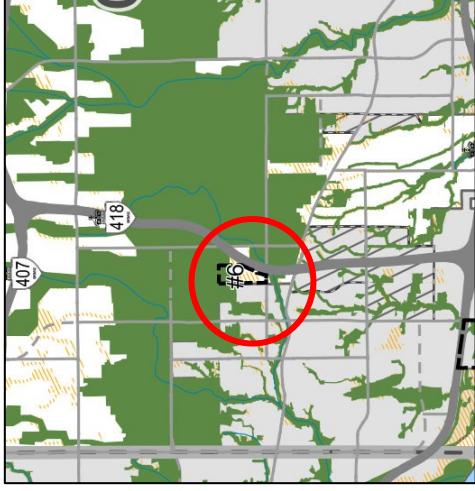
Adopted ROP, as amended



Pickering



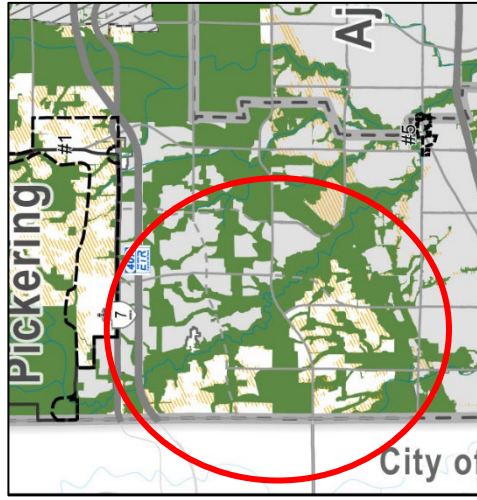
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Clarington



Modifications, based on proposed Greenbelt Statute Law Amendment Act (2023)



Pickering



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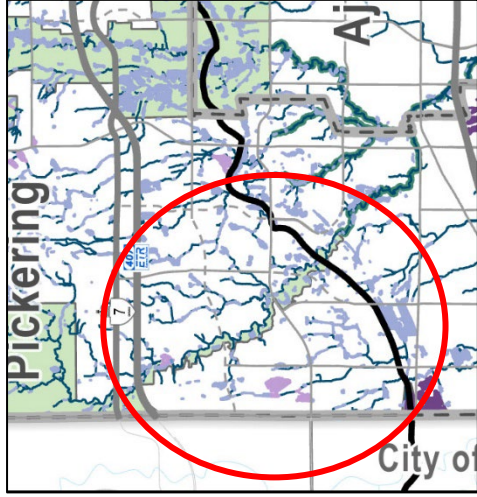


Clarington

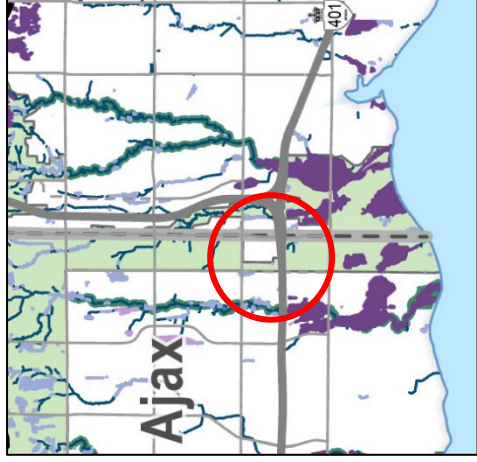


# Map 2c. Water Resources System - Key Hydrologic Features

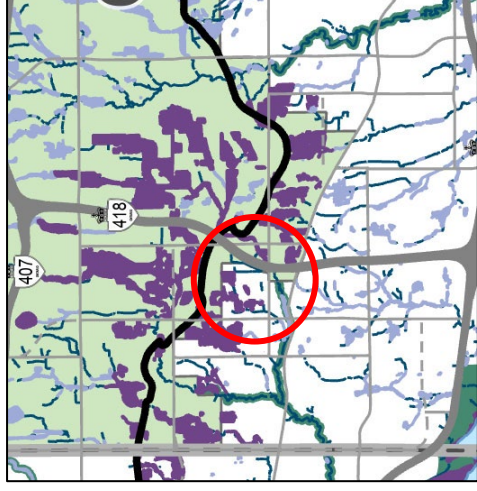
Adopted ROP, as amended



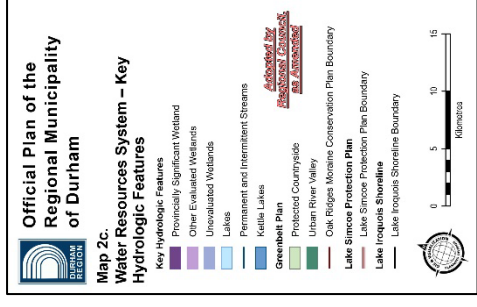
Pickering



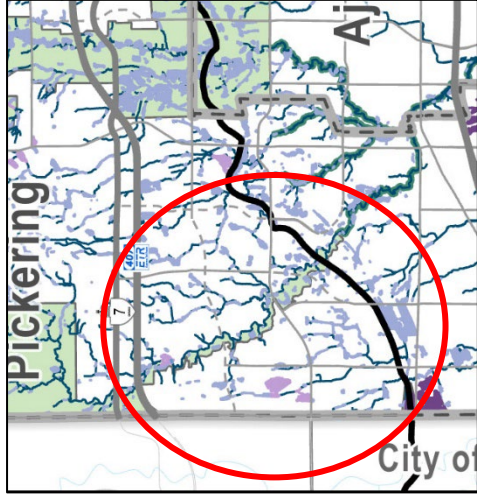
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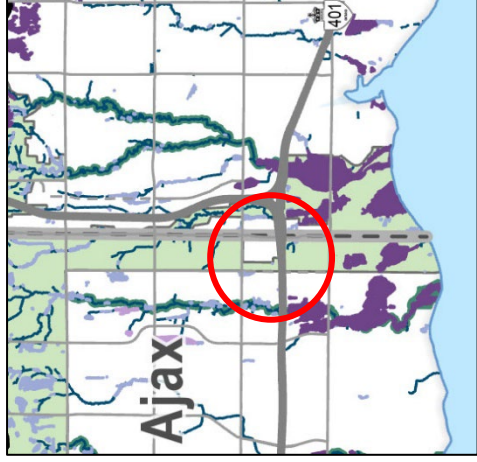
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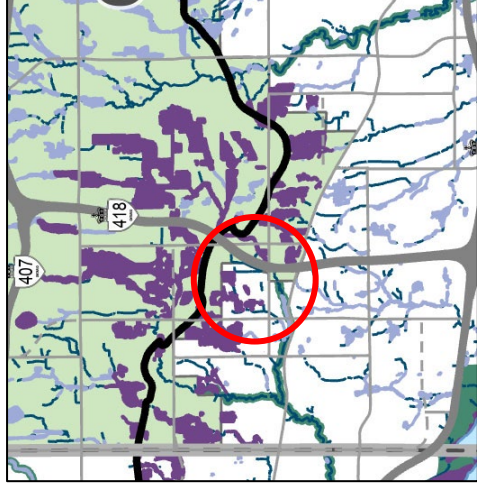
Modifications, based on proposed Greenbelt Statute Law Amendment Act (2023)



Pickering



Ajax

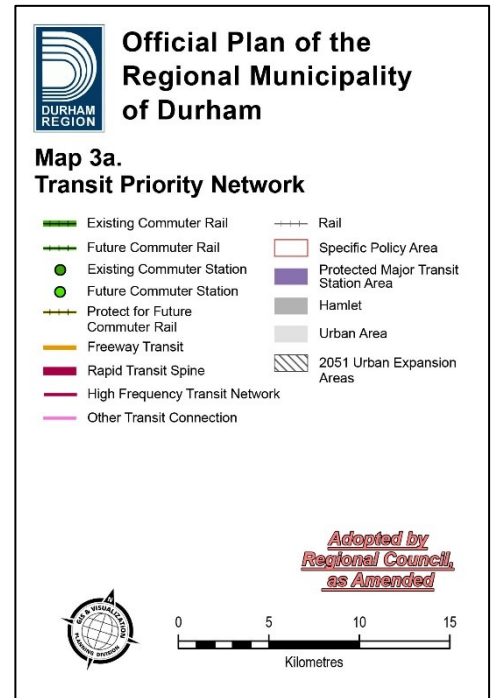
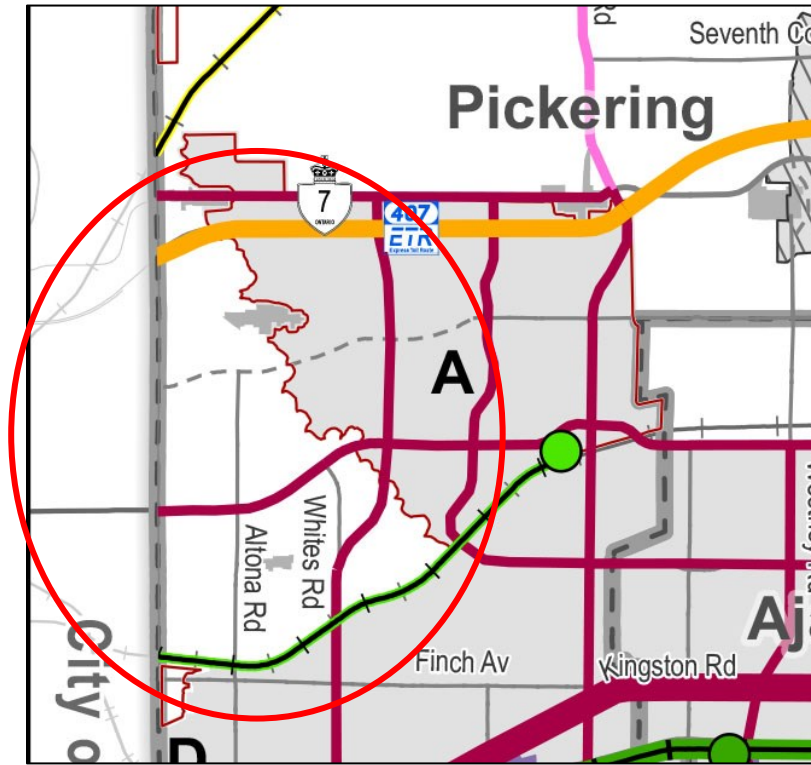


Clarington

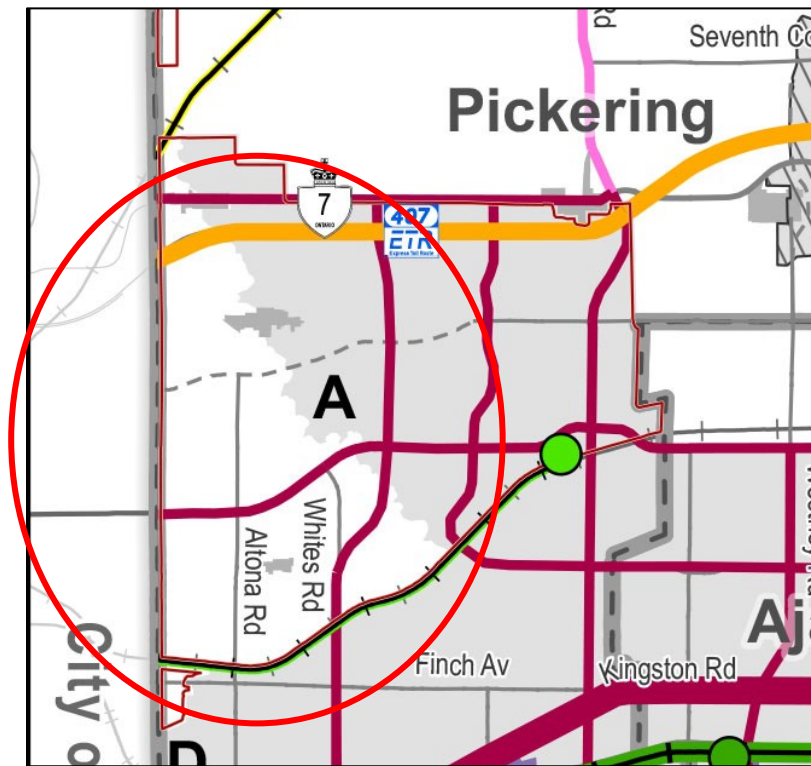


# Map 3a. Transit Priority Network

Adopted ROP, as amended

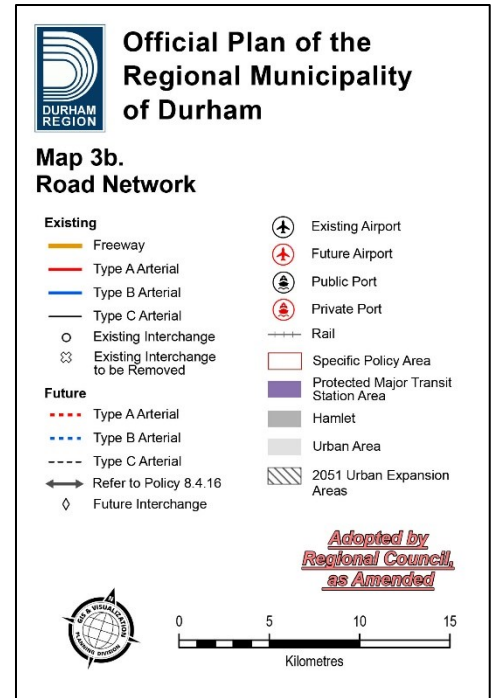
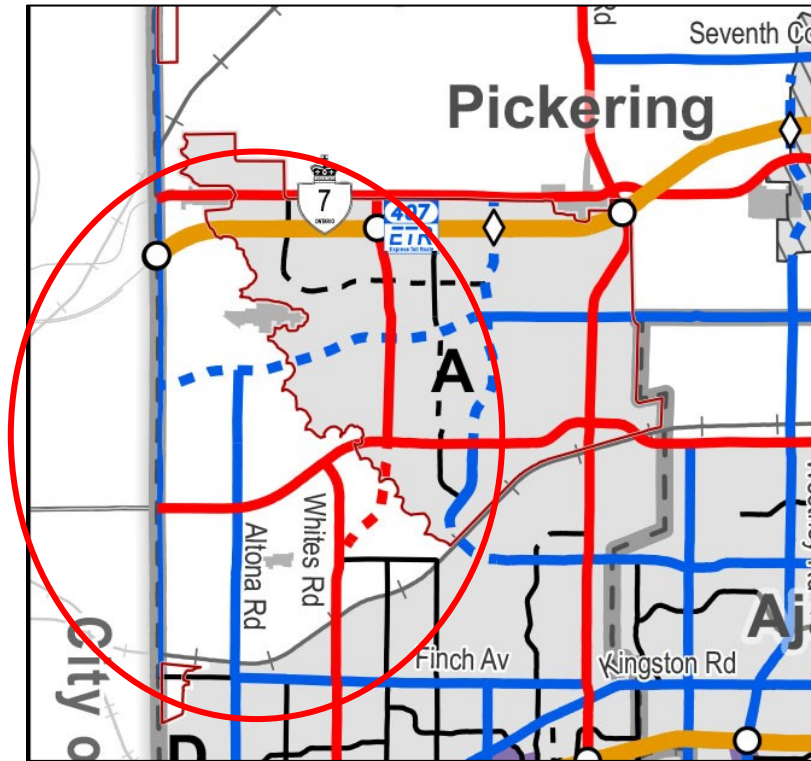


Modifications, based on proposed Greenbelt Statute Law Amendment Act (2023)

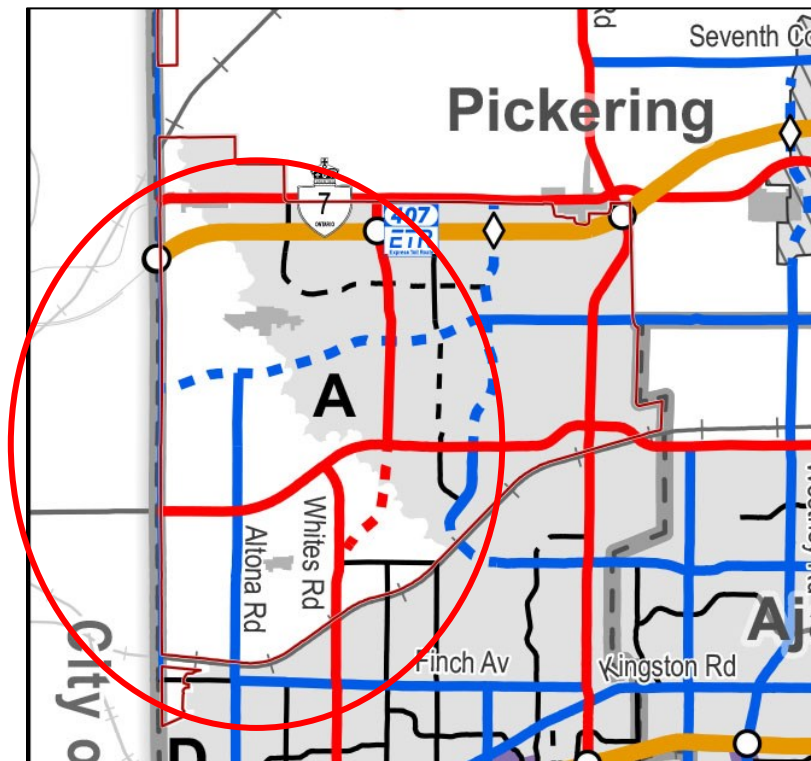


# Map 3b. Road Network

Adopted ROP, as amended

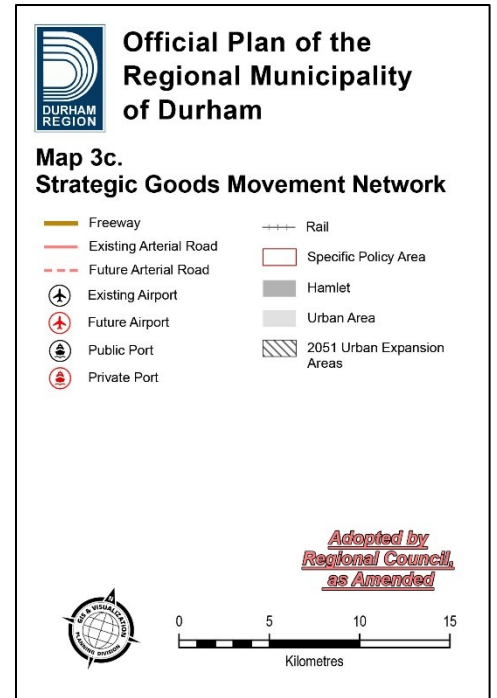
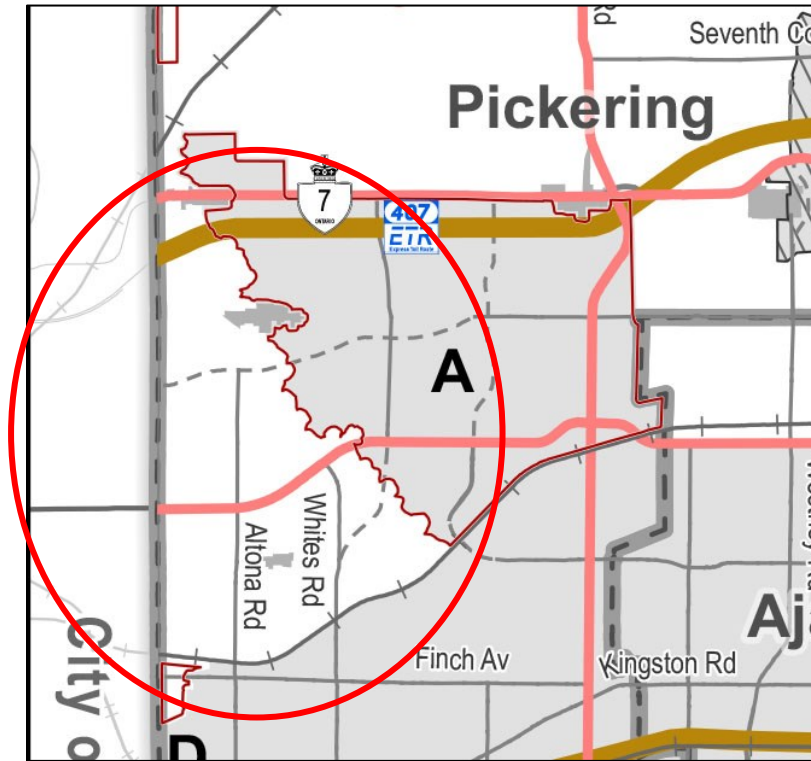


Modifications, based on proposed Greenbelt Statute Law Amendment Act (2023)

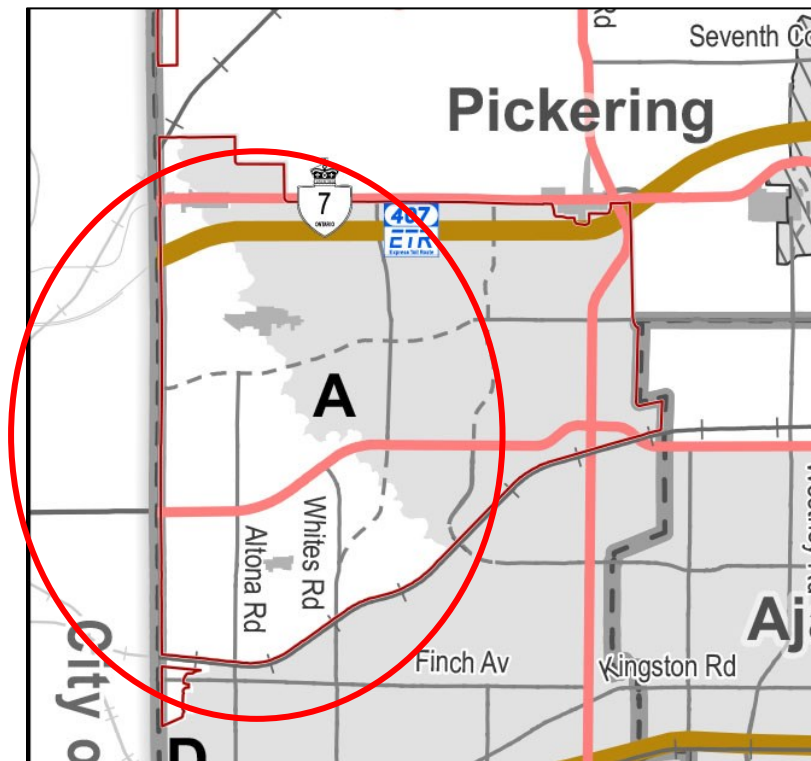


# Map 3c. Strategic Goods Movement Network

Adopted ROP, as amended

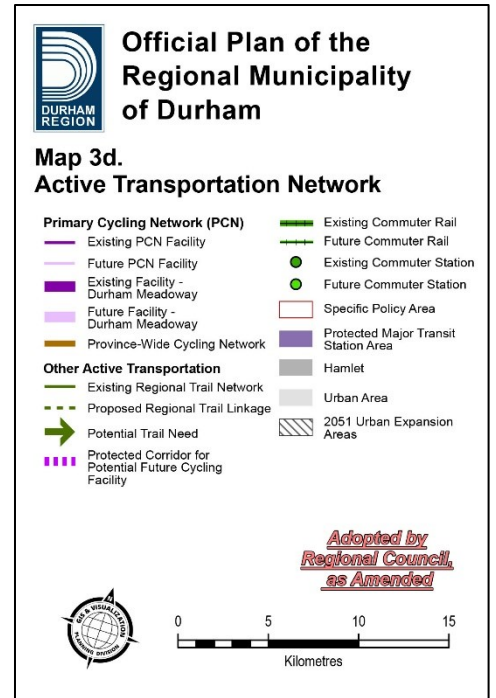
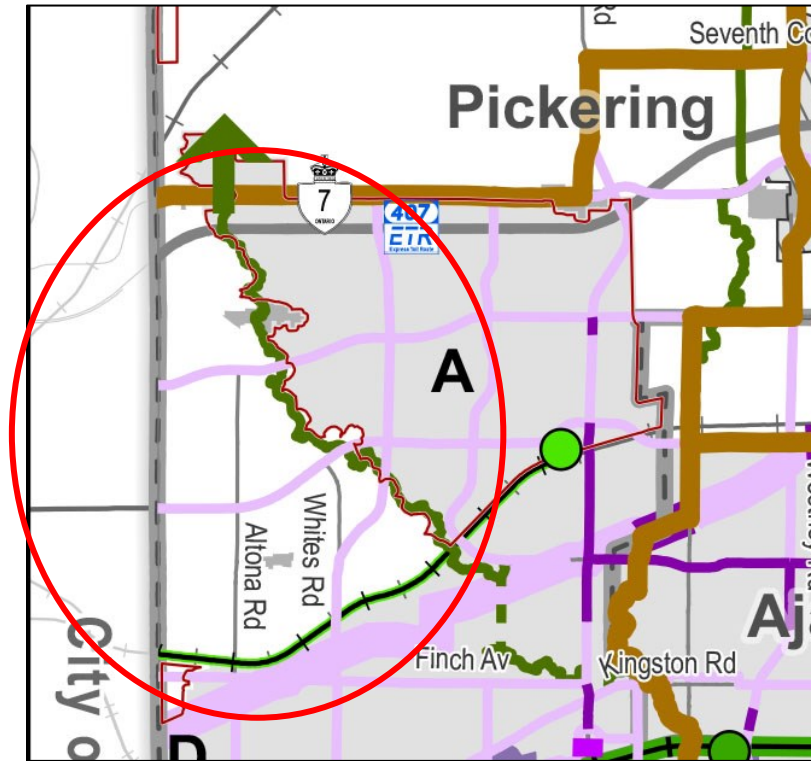


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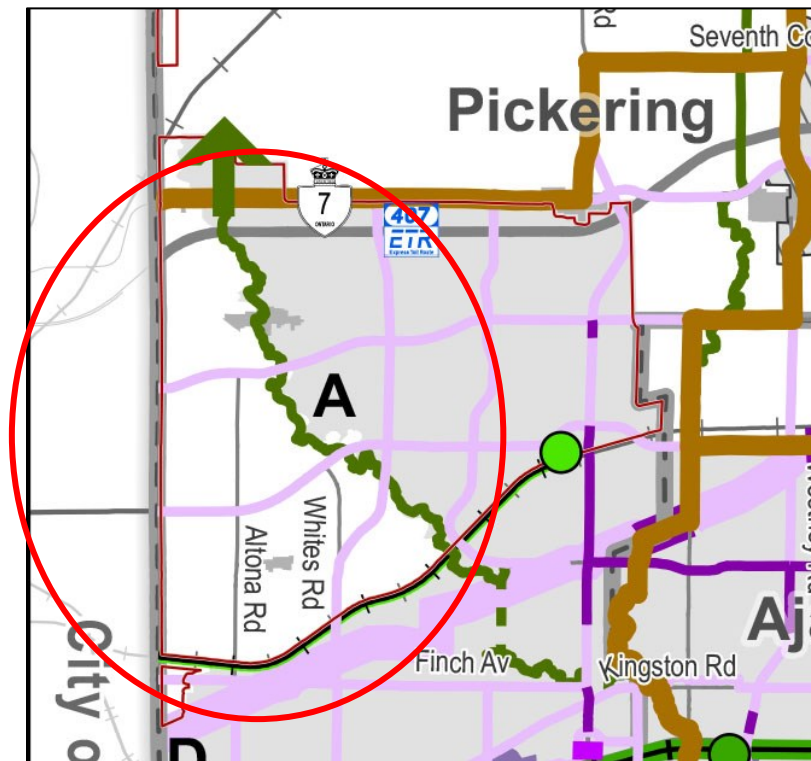


# Map 3d. Active Transportation Network

Adopted ROP, as amended

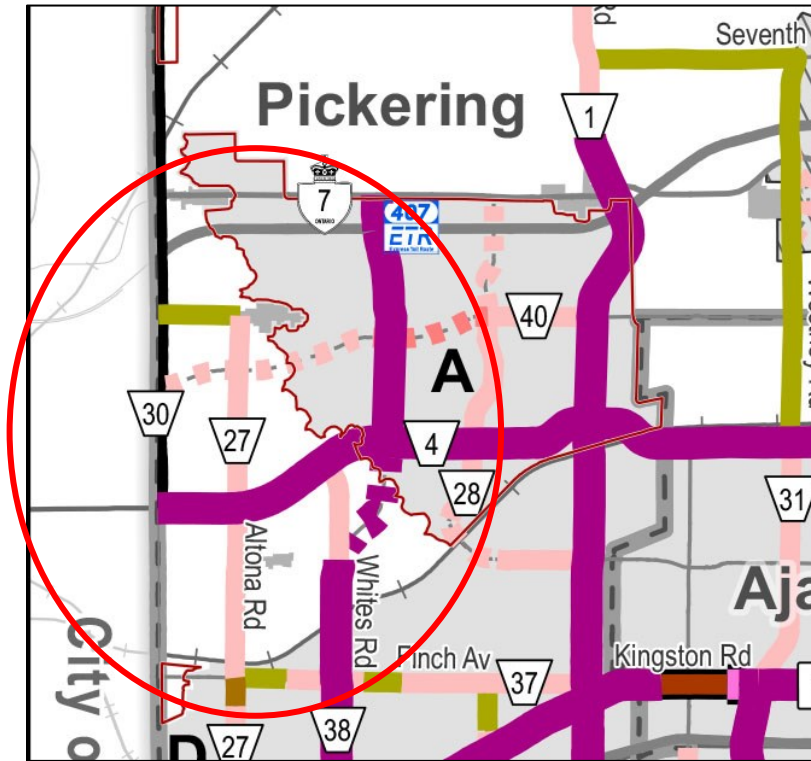


Modifications, based on proposed Greenbelt Statute Law Amendment Act (2023)



# Map 3e. Regional Road Right Of Way Requirements

Adopted ROP, as amended



**Official Plan of the Regional Municipality of Durham**

**Map 3e. Regional Road Right-of-Way Requirements**

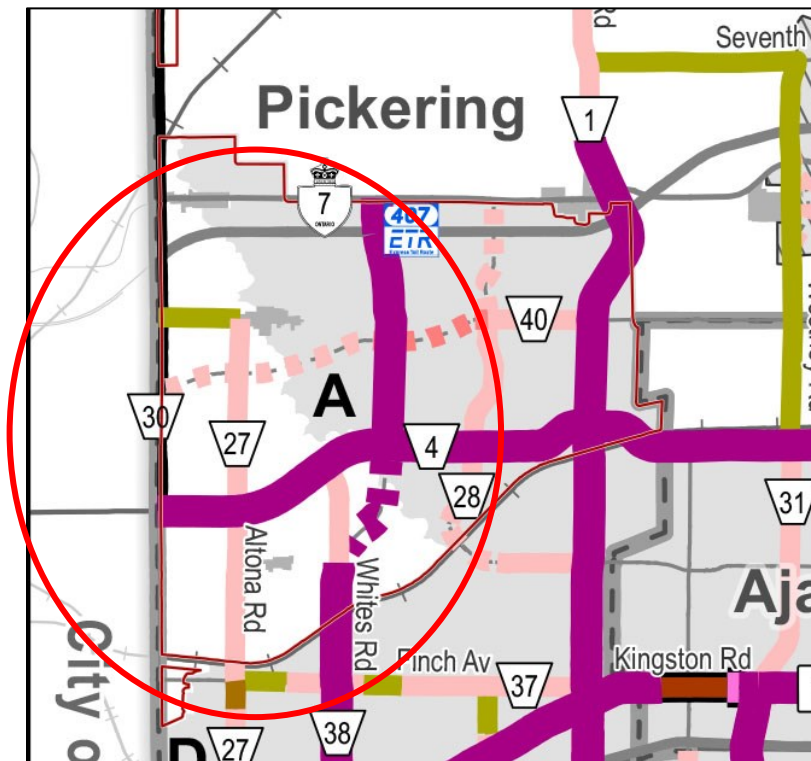
Specific Right-of-Way Width (in metres)*		Right-of-Way Width Ranges (in metres)*
Existing Road	Future Road	Existing Road
20, 23	20, 22, 20-26	20-22, 20-26
28, 28	26-30	26-30
30	26-32	26-32
32, 33	30-34, 30-36, 32-36	30-34, 30-36, 32-36
36	34-42	34-42
37, 38	42-45	42-45
40, 42		
45		

\*Refer to Table 6 for section descriptions and exceptions

- Regional Road
- Regional Highway
- Boundary Regional road under York or Kawartha Lakes jurisdiction
- Specific Policy Area
- Hamlet
- Urban Area
- 2051 Urban Expansion Areas

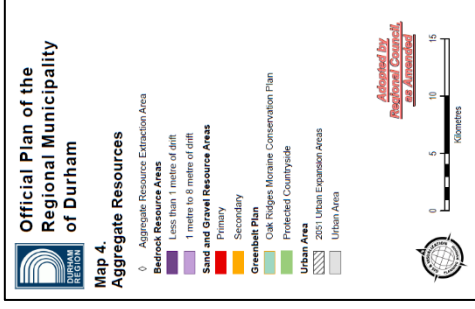
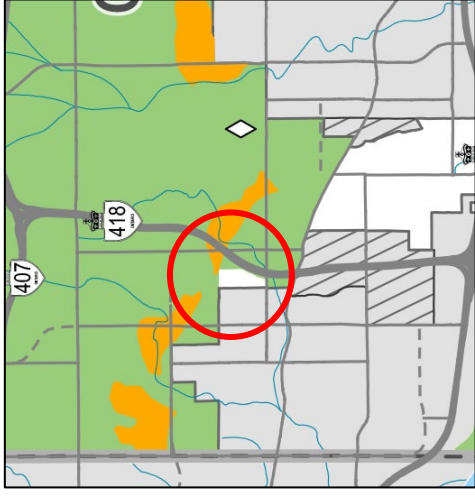
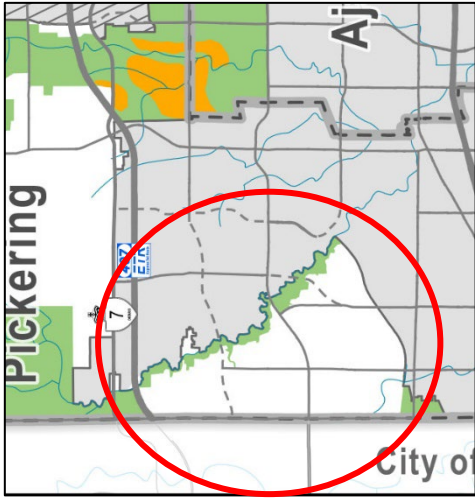
*Adopted by Regional Council, as Amended*

Modifications, based on proposed Greenbelt Statute Law Amendment Act (2023)

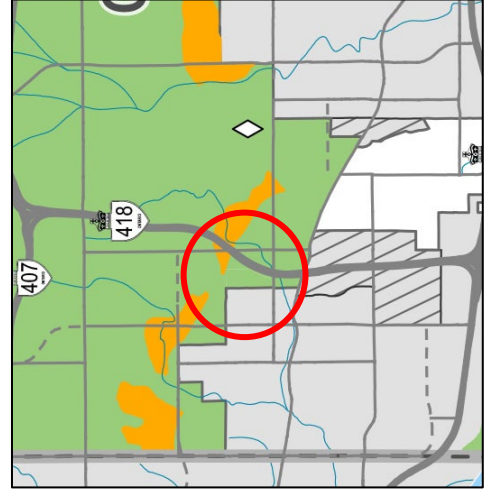
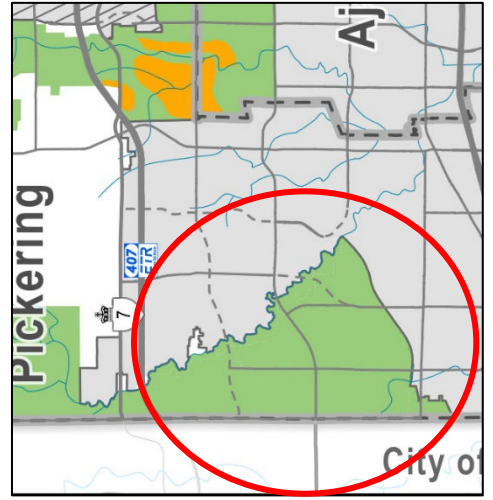


# Map 4. Aggregate Resources

Adopted ROP, as amended



Modifications, based on proposed Greenbelt Statute Law Amendment Act (2023)



Sent via e-mail.



October 24, 2023

The Honourable Paul Calandra  
Minister of Municipal Affairs and Housing  
777 Bay Street, 17<sup>th</sup> Floor  
Toronto, ON M7A 2J3  
[minister.mah@ontario.ca](mailto:minister.mah@ontario.ca)

**The Regional  
Municipality of  
Durham**  
Office of the Chief  
Administrative Officer

Dear Minister Calandra:

**RE: Removal of Greenbelt Lands – Regional Municipality of  
Durham Direct and Indirect Costs**

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605 Rossland Rd. E.  
Level 5  
PO Box 623  
Whitby, ON L1N 6A3  
Canada

The Regional Municipality of Durham supports your government's recent decisions to preserve and enhance protections for the Greenbelt. We look forward to working with the province and our municipal partners in continuing to sustainably address the housing crisis with an array of appropriate and affordable housing options for current and future residents.

905-668-7711  
1-800-372-1102

We commend you for your announcement on October 22, 2023, to compensate municipalities for the financial burden incurred for work related to now-reversed Greenbelt land removals and urban boundary expansion.

[durham.ca](http://durham.ca)

**Elaine Baxter-Trahair**  
**B.M. Edu, MBA**  
Chief Administrative  
Officer

Like other municipalities, the Region of Durham invested significant time and resources in work related to various development proposals and projects that the province directed on land within the Greenbelt where development had not been contemplated or planned. On behalf of the Region of Durham, I request reimbursement in the amount of \$322,000.00 for the direct and indirect costs of this work. Without provincial reimbursement, these costs unjustly fall to Regional taxpayers and ratepayers.

I appreciate your consideration of this request. Please do not hesitate to contact me directly should you have any questions.

Sincerely,

Elaine Baxter-Trahair  
Chief Administrative Officer

Cc           The Honourable Doug Ford, Premier of Ontario  
              The Honourable Peter Bethlenfalvy, MPP Pickering-  
              Uxbridge  
              Michael Klimuntowski, Chief of Staff, MMAH  
              John Henry, Regional Chair and CEO, Region of  
              Durham  
              Members of Regional Council  
              N. Taylor, Commissioner of Finance  
              R. Jagannathan, Acting Commissioner of Works  
              B. Bridgeman, Commissioner of Planning and  
              Economic Development  
              A. Harras, Regional Clerk/Director of Legislative  
              Services  
              J. Hunt, Regional Solicitor/Director of Legal Services