
MEMORANDUM

PDS-C 1-2021

Subject: Update on LPAT Decision, Regional Official Plan Amendment 3-2013, Hamlet Policies - Settlement of Wellandport/Township of Wainfleet Hamlets Mapping

Date: January 13, 2021

To: Planning and Economic Development Committee

From: Pat Busnello, Acting Director Development Approvals

The purpose of this memorandum is to provide an update on the final resolution to the Region's appeal of the Province's non-decision on Regional Policy Plan Amendment 3-2103 (RPPA 3-2013), which was an update to the (now) Regional Official Plan (ROP) Hamlet Policies.

Background

Regional Council on February 17, 2014 passed By-law No. 30-2014 adopting updated Hamlet Policies (RPPA 3-2013). The Amendment was prepared in response to a settlement with the Ministry of Municipal Affairs and Housing (MMAH) on the Province's appeal of Amendment 2-2009 (Greenbelt Plan/Growth Plan conformity and Region's *Imagine Niagara* growth management strategy/ROP Five Year Review). Despite extensive public and agency consultation by Regional Planning staff on proposed RPPA 3-2013, including with MMAH, the Province failed to make a decision on the Amendment within the *Planning Act's* statutory time limit (i.e. 180 days from the receipt of the Amendment by the Province).

Planning staff, with Regional Council's authorization, appealed the Province's non-decision to the (then) Ontario Municipal Board after the 180 day time limit of September 14, 2014. Proposed Hamlet Boundaries in RPPA 3-2013 were also the subject of the Province's appeal to the Wainfleet Official Plan.

Following initiation of the appeal the Region pursued a resolution with MMAH to address the Province's concerns. Outstanding areas that remained to be resolved involved the Wellandport Hamlet boundary within the Townships of Wainfleet and West Lincoln as well as Wainfleet hamlet boundaries for Ostryhon Corners and Chambers Corners. Following a recent Local Planning Appeal Tribunal (LPAT) telephone

conference hearing held on June 12, 2020, Regional staff at the direction of the LPAT prepared and forwarded revised mapping to the MMAH for review. As a result consensus on the hamlet mapping was reached between the Region and Province, which is consistent with the Provincial Policy Statement, 2020 and conforms to the Provincial Growth Plan for the Greater Golden Horseshoe. Land use planning evidence in this regard was provided by Diana Morreale, Director of Development Approvals at a subsequent telephone conference on August 14, 2020.

The LPAT Member delivered an oral decision at the telephone conference allowing the appeal in part, and in its written Memorandum of Oral Decision and Order of the Tribunal that was recently received by the Region the Tribunal's order directed that Schedules "A" and "B" (Hamlet Boundary Additions) to RPPA 3-2013 are modified and approved as follows:

- a) The boundaries for the Hamlet of Wellandport located in the Township of West Lincoln and the Township of Wainfleet are modified as shown on Schedules 1 and 2, respectively, attached to LPAT's order; and
- b) The boundaries for the Hamlets of Ostryhon Corners and Chambers Corners in the Township of Wainfleet are modified as shown on Schedules 3 and 4, respectively, attached to the order.

Accordingly, the approved hamlet boundaries as modified by LPAT are now in force and effect and will be reflected in the mapping of the proposed new Niagara Official Plan when approved. In addition and in the interim, the Region's GIS mapping will be updated to properly reflect the boundaries as modified.

Respectfully submitted and signed by

Pat Busnello, MCIP, RPP
Acting Director, Development Approvals

Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement
local



ISSUE DATE: November 30, 2020

CASE NO(S).:

PL141141

The Ontario Municipal Board (the "OMB") is continued under the name Local Planning Appeal Tribunal (the "Tribunal"), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

PROCEEDING COMMENCED UNDER subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	Regional Municipality of Niagara
Subject:	Proposed Official Plan Amendment No. 26-OP-133510
Municipality:	Upper Tier of Niagara
LPAT Case No.:	PL141141
LPAT File No.:	PL141141
LPAT Case Name:	Regional Municipality of Niagara v. Ministry of Municipal Affairs and Housing

Heard: August 14, 2020 by telephone conference call

APPEARANCES:

Parties

Counsel

Regional Municipality of Niagara

D. Gibbs

Ministry of Municipal Affairs and
Housing

J. A. Beamish and J. Page

MEMORANDUM OF ORAL DECISION DELIVERED BY M. A. SILLS ON AUGUST 14, 2020 AND ORDER OF THE TRIBUNAL

[1] The parties have reached a settlement regarding a partial appeal by the Regional Municipality of Niagara (the "Region") of the decision of the Ministry of Municipal Affairs and Housing (the "MMAH") in respect to Regional Policy Plan Amendment No. 3-2013.

[2] The appeal is specific to a modification to the Wellandport Hamlet boundary on Schedules A and B, and the withholding of a decision on the Wainfleet Hamlet boundaries.

[3] At the direction of the Tribunal on June 12, 2020, the Region prepared and forwarded revised mapping to the MMAH for review. The parties have now reached a consensus on the appropriate mapping and concur that it is now appropriate for the Tribunal to approve Schedules “A” and “B”, as modified.

[4] Contextual and land use planning evidence was provided by way of Affidavit of Diana Morreale. Ms. Morreale, the Director of Development Approvals for the Region attended on the call, as did MMAH planners Adam Didycz and Lewis Bitonti.

[5] Ms. Morreale testified the revised mapping is consistent with the Provincial Policy Statement, 2020 and conforms to the Provincial Growth Plan for the Greater Golden Horseshoe, 2020.

ORDER

[6] The Tribunal orders that the appeal is allowed in part, and directs as follows:

1. Schedules “A” and “B” to Regional Official Amendment No. 3-2013 are modified as follows:
 - a) The boundary for the Hamlet of Wellandport as located in the Township of West Lincoln is modified as shown on Schedule 1 attached hereto;
 - b) The boundary for the Hamlet of Wellandport as located in the Township of Wainfleet is modified as shown on Schedule 2 attached hereto;

- c) The boundary for the Hamlet of Ostryhon Corners in the Township of Wainfleet is modified as shown on Schedule 3 attached hereto;
and
 - d) The boundary for the Hamlet of Chambers Corners in the Township of Wainfleet is modified as shown on Schedule 4 attached hereto.
2. Schedules “A” and “B” to Regional Official Plan Amendment No. 3-2013 are approved as modified in paragraph 1.

“M. A. Sills”

M. A. SILLS
VICE-CHAIR

If there is an attachment referred to in this document,
please visit www.olt.gov.on.ca to view the attachment in PDF format.

Local Planning Appeal Tribunal

A constituent tribunal of Ontario Land Tribunals

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