



# SMART GROWTH

## Waterloo Region

Growing our cities, protecting our countryside

### Background: Protecting Waterloo Region and Ontario

The Region of Waterloo has been working with community for years to develop its Official Plan (OP), which features “A fixed border between rural and urban areas” and “Directing growth to make better use of land within the built up areas of the Region.”<sup>1</sup>

On January 21, 2013, the Ontario Municipal Board released a decision on PL110080, which is an appeal by a number of developers of the Region of Waterloo’s OP. Many aspects of the ruling are damaging to our local community here in Waterloo Region, and to future of the Province of Ontario as a whole.

### Threats within Waterloo Region

- The Region believes opening 85 hectares of new land for development will be sufficient to meet housing needs in the Region and its goals for intensification. However, this OMB ruling sides with developers who want to open 1053 hectares.<sup>2</sup> **This is 1139% of what the Region determined was the right amount of new land to open to development.**
- An enormous amount of rural lands will be lost to development, **reducing our available farmland** and lands for local food, greatly reducing the **remaining green space** in our Region, and **potentially threatening the groundwater recharge areas** around our community we rely on for drinking water.
- This additional sprawl will **threaten the Region’s goals for intensification** and its initiatives that depend on it, such as transportation choice, vibrant urban spaces, and economic development.
- Our decade-long planning process to create and protect these goals, undertaken democratically and with substantial community input, has been overruled by a decision in which the OMB states that they owe our Regional Council’s democratic local decisions “minimal deference.”<sup>3</sup> They note that they do not need to demonstrate that the Region’s decision is unreasonable to overrule it.<sup>4</sup> **The hard work and democratic will of our community to achieve the quality of life we want deserves more than minimal deference to a reasonable decision.**

### Threats to the Province of Ontario

- The OMB’s decision relies on past growth to predict future growth patterns, rather than being directed by new challenges, changing lifestyle patterns, and current goals.<sup>5</sup> This **precedent locks Ontario as a whole into continuing the sprawl of past generations** that are being rejected by our communities and our elected leaders.

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<sup>1</sup> Region of Waterloo, “Regional Official Plan - Region of Waterloo,” accessed March 24, 2013, <http://www.regionofwaterloo.ca/en/regionalGovernment/regionalofficialplan.asp>.

<sup>2</sup> Jeffrey M. Casello et al., “Waterloo OMB Response,” February 26, 2013, 1, [http://www.environment.uwaterloo.ca/u/jcasello/OMB/Waterloo\\_OMB\\_Response.pdf](http://www.environment.uwaterloo.ca/u/jcasello/OMB/Waterloo_OMB_Response.pdf).

<sup>3</sup> Ontario Municipal Board, “PL110080 Decision,” January 21, 2013, sec. 83, <http://www.omb.gov.on.ca/english/eDecisions/eDecisions.html>.

<sup>4</sup> Ibid.

<sup>5</sup> Casello et al., “Waterloo OMB Response,” 1.



- Greenfield development is expensive for already overstretched governments and their infrastructure budgets.<sup>6</sup> Such **sprawl will increase the already underfunded infrastructure needs of municipalities and the Government of Ontario** for the long term.
- The OMB decision states that “The absence of a specific date in s. 2.2.7.2” of the Growth Plan “indicates to us that it was not the Province’s intent that density actually be achieved by a specific date.”<sup>7</sup> **This precedent-setting interpretation effectively guts the Growth Plan density targets for “designated greenfield areas” being developed across Ontario.**<sup>8</sup>
- The **far-reaching implications of this decision will lower quality of life for Ontarians well into the future.** As planning experts in Waterloo have compellingly written, “We struggle to reconcile the Board’s decision with contemporary planning goals of increased housing choice, lower municipal tax burdens, increased environmental sustainability, and better quality of life.”<sup>9</sup>

## Fighting Back

The Region of Waterloo has chosen to pursue the two legal options open to it: appeal to divisional court, and request that the OMB allow a rehearing.<sup>10</sup> The OMB declined to rehear the case.<sup>11</sup> The Ontario Government has taken the rare and crucial step of joining with the Region in its appeal of the case.<sup>12</sup>

The Region of Waterloo has also indicated that it has reason to believe that “inappropriate interaction between the Ontario Municipal Board and the appellant’s primary witness occurred,” and as a result the Region has asked for a judicial review of the procedural fairness of the decision.<sup>13</sup> This appeal based on alleged bias must be heard by the courts before the appeal on the content of the decision is heard. The case is slowly winding its way through the court system.

## Our Region Needs Your Help

Continuing support from the government of the day will be an important part of the appeals process. If the court appeal does not correct this situation, the government must be prepared to use its legal authority to act directly to defend the Region’s OP and our farmland and environmentally sensitive areas.

We also need all of our local MPPs to be strong advocates at Queen’s Park for the Region’s Official Plan and sustainable smart growth policies, now and into the future.

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<sup>6</sup> Ibid., 3.

<sup>7</sup> Ontario Municipal Board, “PL110080 Decision,” sec. 72.

<sup>8</sup> Ontario Ministry of Infrastructure, “Growth Plan for the Greater Golden Horseshoe: Office Consolidation,” January 2012, 19, <https://www.placestogrow.ca/content/ggh/plan-cons-english-all-web.pdf>.

<sup>9</sup> Casello et al., “Waterloo OMB Response,” 3.

<sup>10</sup> Region of Waterloo, “Regional Council Appeals Ontario Municipal Board Decision on the Regional Official Plan,” *Region of Waterloo*, January 29, 2013, <http://www.regionofwaterloo.ca/en/newslist/index.aspx?corpId=58cynQlfgqiAYQyTLmpurQeQuAleQuAl&newsId=JXvEiwByq0w0AqNjtE6ShAeQuAleQuAl>.

<sup>11</sup> Terry Pender, “Region to Seek Court Ruling after Municipal Board Rejects Appeal,” *Waterloo Region Record*, April 3, 2013, <http://www.therecord.com/news-story/2626933-region-to-seek-court-ruling-after-municipal-board-rejects-appeal/>.

<sup>12</sup> “Province to Join Region in Attempt to Save Development Plan,” *CBC News*, accessed September 26, 2013, <http://www.cbc.ca/news/canada/kitchener-waterloo/province-to-join-region-in-attempt-to-save-development-plan-1.1315017/>.

<sup>13</sup> Jane Mitchell, “Developer’s Expert Witness Trained OMB Members about Land Budgets. Region of Waterloo Asks for Judicial Review. pic.twitter.com/lvGc43gqxO,” microblog, @janemitchell, August 13, 2013, <https://twitter.com/janemitchell/status/367384552286593024/photo/1>.





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## Smart Growth Waterloo Region Election Questionnaire

This is a questionnaire for all MPP candidates standing for election in the 2014 Ontario Provincial Election.

Please email your written responses to the following three questions to [election.survey@smartgrowthwaterloo.ca](mailto:election.survey@smartgrowthwaterloo.ca) no later than **Wednesday May 28<sup>th</sup>**. Responses will be posted on the Smart Growth Waterloo Region website and shared through social media.

If you have any questions, please feel free to contact our co-founders Mike Boos, Kate Daley, and Kevin Thomason at [contactus@smartgrowthwaterloo.ca](mailto:contactus@smartgrowthwaterloo.ca).

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1) What is your position on the Ontario Municipal Board's 2013 ruling against the Region of Waterloo's Official plan?

2) If elected, what would you do to protect Waterloo Region's Official Plan and smart growth goals, and to ensure that the Region can be successful in its pursuit of sustainable growth?

3) What is your position on intensification to promote more vibrant, livable cities while protecting farmland and environmentally sensitive areas from urban sprawl in Ontario?

