

Hill still awaits minister's response to exemptions letter

As of St. Patrick's Day, March 17, Dufferin Warden Bill Hill was still awaiting a response from municipal affairs Minister Linda Jeffrey to his Feb. 26 letter in which he generally pointed out that stripping the established authority of Orangeville and Mono over their official plans could potentially block adoption of the provincially mandated Dufferin County Official Plan.

Warden Hill's letter was written following his meeting with Minister Jeffrey at the Good Roads/ROMA convention in Toronto.

At the meeting, the minister evidently said that to exempt the two municipalities from OP amendment approval by the upper-tier would be 'precedent setting.' The warden's letter takes issue with that response.

'I suggest that as Warden I am prepared to work with you, your staff and senior staff at the County to ensure Dufferin County complies with Ontario Regulation 352/02 of the Planning Act.

'Dufferin County staff has been working diligently with your staff to achieve that goal. We can write the (county official plan).

'While not finalized I am confident we can prepare a workable administration system to manage the plan. However, without a minimum of the status quo (for Orangeville and Mono's authority) I doubt the plan will pass at County Council as the Municipalities of Orangeville and Mono have 16 of the 29 votes at the County table.

'Respectfully, considering that Owen Sound retained the authority that they enjoyed prior to 'rejoining' Grey County, asking that Orangeville and Mono retain their powers does not seem precedent setting or unreasonable. Your reconsideration of our request would be appreciated,' the warden's letter reads.

The council has been aiming at completing its required OP prior to the October, 2014, municipal election. As mandated, the county would generally replace the province as the approval authority for lower tier planning.

The county could delegate approval authorities for such as subdivisions and consents to the lower tier, but could not delegate control over OP amendments.

Only the province would be empowered to exempt lower-tier municipalities from upper-tier OP authority, according to advice from consultants, who have said that they are in discussions with the ministry with respect to Orangeville and Mono's established status but, so far, the ministry has been unyielding.

An explanatory note on the ministry's website states: 'An upper-tier municipality with an approved official plan is the approval authority for lower tier official plans and official plan amendments pursuant to subsections 17(2) and (4) of the Planning Act and for subdivision applications pursuant to subsections 51(5) and (5.1) of the Planning Act.'

It goes on to say that the minister has 'the authority to exempt by order an official plan or proposed official plan amendment(s) from his or her approval.' The interpretation appears to be that the minister retains control over the upper-tier OP, and has authority to approve or disapprove such as the county's authority to exempt the lower tier from upper-tier OP control.

A 37-page chart on the website confirms that the Grey County City of Owen Sound is thus far the only lower-tier municipality in Ontario to have been exempted by the minister from OP amendment approval by the upper-tier.

Consultant Chris Tyrell of the MMM Group has explained that Owen Sound had been a separated city within Grey County, and had rejoined the county as a lower-tier municipality. The reunion evidently earned the city special status.

Dufferin County Council has a different view of things, as do Orangeville and Mono. They believe in effect that the ministry, in downloading its responsibilities, should not also relieve lower-tier municipalities of their existing powers by transferring those to the

upper tier.

By Wes Keller