

Town taking Region to court over facilitation

By Bill Rea

The Town of Caledon is taking legal action in an effort to overturn a motion passed last month by Peel Regional council to take part in facilitation to deal with Bolton employment land expansion.

There have been calls from the Region to use facilitation in dealing with these issues, but the Town has always resisted them, stating facilitation does not offer a full open public process.

According to legal documents released late last week by the Town, the application is going before the Ontario Superior Court of Justice to have the resolution, passed June 25, quashed on the basis that it's illegal. It is being argued that the June resolution was contrary to one passed at Region in April, which called for facilitation, subject to a number of conditions, including that the Town take part in it. The Town's position was a two-thirds vote at Regional council was needed before the June resolution could be considered, and that vote was never taken.

The Town is also arguing that the June resolution is contrary to the Planning Act, Peel's Official Plan and the Places to Grow Act. The June resolution called on Regional staff and solicitors to take part in facilitation regarding land-use planning issues relating to Regional Official Plan Amendment (ROPA) 28, dealing with the Bolton Employment Expansion Area, with provisions for expansion of ROPA 28 to the south for employment and to the west for residential and employment.

The documents from the Town maintain that the April resolution clearly stated the Region would take part in facilitation if it does not include discussion of boundary expansion for residential development.

The Town is also arguing The Places to Grow Act gives the Province the authority to create Growth Plans, and any expansion to settlement area boundaries have to be to accommodate population and employment allocations called for in the Growth Plan. The documents added the Region has approved ROPA 28, although it's being appealed to the Ontario Municipal Board.

Mayor Allan Thompson said the Town is taking this action to protect that Town's Official Plan and the Region's Official Plan and the Province's Places to Grow Legislation, because it (the June resolution) compromises all of it.

The Town of Caledon went through an open, transparent and accountable planning process to decide on new land for development, Thompson said. To have Regional council set aside that public process and decide they know better, without any land use evaluations, without any staff reports, without even following their own rules or Ontario's laws, is simply wrong.

They've turned an open public process into a dirty game of back-room bait and switch, he added. Caledon will not be part of it. Our residents deserve better.

The people of my ward and the Town of Caledon participated in an open public process, said Councillor Jennifer Innis. Now, one lone wolf developer complains and Regional council wants to take the discussion into a back-room for secret discussions? No way.

The June motion was put forth by Mississauga Councillor Carolyn Parrish.

She told the Citizen, via email, that she had no problem with the Town going to court to try to quash the motion, stating it's the Town's democratic choice.

I do have a problem with their unwillingness to participate in a facilitation process that can be tailored to their needs, including public consultation, should they chose to employ it, she added. It's a without prejudice process which is non-binding.

Conversations amongst parties that disagree is also an integral part of democracy, Parrish stated. Their unwillingness to participate in those conversations with the assistance of an expert facilitator is a real mystery for me.