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## Memorandum

**CWCD 2024-163****Subject:** Provincial Planning Statement Transition Regulation ERO Submission**Date:** October 4, 2024**To:** Planning and Economic Development Committee**From:** Lindsey Morin, Senior Planner

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As indicated in Memorandum CWCD 2024-140, on August 20, 2024, the Minister of Municipal Affairs and Housing announced the release of the new [Provincial Planning Statement, 2024](https://news.ontario.ca/en/release/1004950/ontario-giving-municipalities-the-tools-they-need-to-get-more-homes-built-faster) (PPS 2024) (<https://news.ontario.ca/en/release/1004950/ontario-giving-municipalities-the-tools-they-need-to-get-more-homes-built-faster>). The PPS 2024 will replace the Provincial Policy Statement, 2020 and a Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 and will take effect October 20, 2024.

With the release of the new PPS 2024, the Province also launched a consultation on the [Environmental Registry of Ontario \(019-9065\)](https://ero.ontario.ca/notice/019-9065) (<https://ero.ontario.ca/notice/019-9065>) regarding a potential transition regulation under the *Planning Act* to facilitate implementation of the PPS 2024. The authority to make a transition regulation was introduced through Bill 97, the *Helping Homebuyers, Protecting Tenants Act, 2023*, which received Royal Assent June 8, 2023. Through the consultation, the Province was seeking feedback on whether there are any specific matters or types of matters in process that should be addressed through the transition regulation (e.g. development applications or planning matters under appeal).

Niagara Region's submission (Appendix 1) requests that several in-process planning matters in Niagara be transitioned under the current policy framework. The first is the Glendale Secondary Plan Update, which is a coordinated effort between Niagara Region and the Town of Niagara-on-the-Lake. Draft policies and schedules have been completed and published for public review and consultation. A statutory public meeting is scheduled for October 15, 2024, and it is anticipated that Town Council will consider adoption in November or December this year. Given that this work is nearing completion, Niagara Region and the Town of Niagara-on-the-Lake jointly request that the secondary plan update be transitioned under the current policy framework to avoid further delays and costs associated with revisiting the work completed over the last two (plus) years.

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The second matter which Niagara Region requests to be addressed in the transition regulation is three ongoing appeals currently before the Ontario Land Tribunal: one appeal of OPA 63, Smithville Master Community Plan, West Lincoln from JTG Holdings Ltd / Phelps Homes Ltd. (OLT-23-000470) and two appeals of OPA 147, Implementation of the City of Niagara Falls Employment Lands Strategy Niagara Falls from Cytex Canada Inc. & 2610823 Ontario Inc. (OLT-23-000937).

OPA 63 was adopted by West Lincoln Council on August 11, 2022, and modified and approved by the Region on April 20, 2023. Regional Council provided direction on the appeal through Confidential Report PDS 15-2023 and resolution to the appeal has been proceeding through mediation since August 2023. Given that all other aspects of OPA 63 were resolved under the current policy regime, the Niagara Region and Township of West Lincoln jointly request that the remaining elements of OPA 63 also be addressed under the current framework for both consistency and alignment with Council direction.

OPA 147 was adopted by Niagara Falls Council on April 18, 2023, and modified and approved by the Region on April 18, 2023. Regional Council provided direction on the appeals through Confidential Reports PDS 11-2024 and PDS 36-2023. OPA 147 is a complex appeal involving multiple parties and covering distinct parcels of land. Niagara Region and Niagara Falls jointly request that the two OPA 147 appeals be transitioned under the current policy framework to avoid the unnecessary time and cost associated with preparing revised procedural orders and issues lists which would ultimately delay decision-making.

Further, transition of all the above planning matters would enable development to proceed more expeditiously and support the intent of the new PPS 2024 to facilitate the construction of 1.5 million homes by 2031.

Respectfully submitted and signed by

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Lindsey Morin, MCIP, RPP  
Senior Planner

Appendix 1 – Niagara Region Submission on ERO 019-9065

Sent via e-mail: [growthplanning@ontario.ca](mailto:growthplanning@ontario.ca)

October 4, 2024

Ministry of Municipal Affairs and Housing  
Provincial Land Use Plans Branch  
13th Floor, 777 Bay Street  
Toronto, ON M7A 2J3

**Subject: Niagara Region Comments – ERO 019-9065**  
**Consideration of transition of land use planning matters to facilitate the introduction of a new policy statement issued under the Planning Act**

Thank you for the opportunity to comment on transitional matters associated with implementation of the new Provincial Planning Statement, 2024 (PPS 2024). The following planning matters have been identified by Niagara Region staff, in consultation with local planning staff, for the Ministry's consideration for inclusion in a transition regulation:

### **Glendale Secondary Plan Update**

Since May 2022, Niagara Region and the Town of Niagara-on-the-Lake have coordinated to prepare an update to the Glendale Secondary Plan, which includes lands bounded by Queenston Road to the north, Concession 7 Road to the east, the Niagara Escarpment to the south and Homer Road to the west within the Town of Niagara-on-the-Lake.

The Niagara Region Official Plan, 2022 identifies this area as a 'strategic growth area' and provides policy direction that supports the creation of a complete, vibrant mixed-use community, including the development of high density residential uses, as well as employment, commercial, and recreational uses.

Several technical studies have been completed to support the Glendale Secondary Plan update, including infrastructure, natural heritage/subwatershed, employment lands, urban design, and financial impact studies. Draft policies and schedules have been completed and published for public review and consultation. A statutory public meeting is scheduled for October 15, 2024, with Town Council adoption anticipated for November or December of this year.

The revised policy regime introduced by the new PPS 2024 would require that the project be delayed further for review and may also incur additional costs for the preparation of revised policies, schedules and background materials. Specifically, the review would need

to include a re-evaluation of the proposed “Industrial/Business Park” designation, which conforms to current policies for “employment areas” within the Niagara Region Official Plan, 2022. Land use permissions for the Industrial/Business Park include a mixture of light industrial, warehousing, office, institutional and limited commercial uses, which are intended to recognize existing employment generating land uses in the area and build upon the accessibility and visibility attributes of these lands in proximity to the Glendale Avenue interchange along the QEW, the Canada/US border and the abutting Niagara College campus.

Without transition regulations in place, the review of these matters may further delay development within this strategic growth area from moving forward.

### **Planning Matters under Appeal**

Niagara Region staff request that ongoing appeals at the Ontario Land Tribunal be transitioned under the current policy framework to avoid further delays to decision making and associated costs to all parties. Councils made decisions on these files and the implementation instruments were adopted prior to the PPS 2024. Transitioning the appeals will enable development to proceed more expeditiously and support the intent of the PPS 2024 to facilitate the construction of 1.5 million homes by 2031.

Specifically, staff request that the following three appeals be transitioned under the current policy framework:

**1. Appeal of OPA 63, Smithville Master Community Plan, West Lincoln by JTG Holdings Ltd / Phelps Homes Ltd. (OLT-23-000470)**

West Lincoln OPA 63 sets the land use vision for the Smithville Master Community Plan area. OPA 63 was adopted by West Lincoln Council on August 11, 2022, and modified and approved by the Region on April 20, 2023.

The Appellants of OPA 63 own certain lands within the Smithville Master Community Plan area. Two partial settlements have been reached on revised policies, which have resulted in substantial scoping of the appeal to only the natural heritage policies applicable to those lands owned by the Appellants. The second partial settlement also set out a process to adjourn the appeal to allow the Appellants to complete Environmental Impact Study field work. The policies in OPA 63 are now in force, with the exception of the remaining site specific matters.

Resolution to the appeal has been proceeding through mediation since August 2023, and a significant amount of time and effort has been invested by all parties. If the appeal is not transitioned, more time will need to be invested by the parties to

rechart the remaining process established through the second partial settlement. Regional staff request that this file be transitioned, given these foreseen delays and for consistency given that all other aspects of OPA 63 were resolved under the current policy regime.

**2. Two Appeals of OPA 147, Implementation of the City of Niagara Falls Employment Lands Strategy Niagara Falls by (1) Cytex Canada Inc. and (2) 2610823 Ontario Inc. (OLT-23-000937)**

Niagara Falls OPA 147 updates existing policies and introduces new policies within the City of Niagara Falls Official Plan regarding Employment Areas and employment lands to implement the recommendations of the City of Niagara Falls Employment Lands Strategy and to bring sections of the City's Official Plan that the Amendment affects into conformity with the Niagara Region Official Plan, 2022. OPA 147 was adopted by Niagara Falls Council on April 18, 2023, and modified and approved by Niagara Region Council on August 9, 2023. This is a complex appeal involving multiple parties and covering distinct parcels of land within OPA 147.

The first appeal was filed by Cytex Canada Inc., owners of an industrial facility in the vicinity of Special Policy Area 87 within OPA 147. The Appellants assert that OPA 147 does not conform to Niagara Official Plan policy 4.2.1.4. There is a concurrent appeal of the site-specific Zoning By-law Amendment application filed by the owner of the land within Special Policy Area 87, municipally addressed as 9304 McLeod Road (OLT-23-000906) that the OLT has ordered will be heard concurrent to OPA 147 (<https://www.omb.gov.on.ca/e-decisions/OLT-23-000937-AUG-07-2024.DOCX>). Tribunal matters are ongoing, and a changing policy regime would delay a resolution of the appeal.

The second appeal was filed by 2610823 Ontario Inc., who owns lands municipally addressed as 8970 and 9015 Stanley Avenue, which were designated by OPA 147 as Employment Area in conformity with the policies and mapping of the Niagara Official Plan, 2022. There are concurrent appeals of the site-specific Official Plan and Zoning By-law Amendment applications (OLT-24-000393 and OLT-24-000394) that the OLT has ordered will be heard concurrent to OPA 147 (<https://www.omb.gov.on.ca/e-decisions/OLT-23-000937-AUG-07-2024.DOCX>).

A revised policy regime would require that all parties expend unnecessary time and cost to prepare revised procedural orders, issues lists and/or renegotiate any consensus achieved through mediation. This will result in delayed decision making on the appeals.

Thank you again for the opportunity to comment on this proposal. If you require further details or have any questions about this submission, please contact Angela Stea, MCIP, RPP, Director of Corporate Strategy and Community Sustainability at [Angela.Stea@niagararegion.ca](mailto:Angela.Stea@niagararegion.ca) or 905-980-6000 x3518.

Respectfully,

A handwritten signature in blue ink, appearing to read 'A. Stea', is written over a horizontal line.

Signed by Angela Stea on behalf of  
Michelle Sergi, MCIP, RPP  
Deputy Chief Administrative Officer  
Niagara Region