

Section III – Items for the Information of the Board

TO: Chair and Members of the Board of Directors
Friday, November 19, 2021 Meeting

FROM: John MacKenzie, Chief Executive Officer

RE: **STATUS OF PICKERING DEVELOPMENTS (SQUIRES) INC. PERMIT APPLICATION UNDER 28.0.1 OF THE CONSERVATION AUTHORITIES ACT (MINISTER'S ZONING ORDERS)**
Pickering Developments (Squires) Inc.

KEY ISSUE

Withdrawal of the Minister's Zoning Order (MZO) permit application by Pickering Developments (Squires) Inc. for site grading and interference with a wetland to remove a Provincially Significant Wetland (PSW) located at 1802 Bayly Street, in the City of Pickering.

RECOMMENDATION

IT IS RECOMMENDED THAT this report be received.

BACKGROUND

An MZO was issued on October 30, 2020, as Ontario Regulation 607/20, for lands including the lands subject to the permit application. Two environmental organizations filed an application for judicial review of the Minister's decision to issue the MZO on the basis that it was not consistent with the Provincial Policy Statement (PPS). The legal status of the MZO was not affected by the judicial review application because an application for judicial review is not an automatic stay of the decision to be reviewed.

On December 8, 2020, amendments adding Section 28.0.1 to the *Conservation Authorities Act* came into force. That section compels a conservation authority to issue a permit where a development project has been authorized by an MZO under the *Planning Act*, outside of the Greenbelt Area. On February 16, 2021, Pickering Developments (Squires) Inc. submitted the permit application. On March 4, 2021, Ontario Regulation 159/21 was issued requiring TRCA to make a decision on the application on or before March 12, 2021.

On March 12, 2021, following a hearing, TRCA's Board of Directors adopted Resolution #A38/21, with the effect of approving the permit with conditions. On that same day, the media reported that the major commercial tenant for the development project had abandoned consideration of the site, and statements issued through social media by the Minister of Municipal Affairs and Housing and the Mayor of Pickering indicated the development project would not proceed and the MZO could be amended to exclude the lands at 1802 Bayly Street.

RATIONALE

After the hearing, the applicant took no action with respect to the conditions to be fulfilled prior to execution of the agreement required under Section 28.0.1(24) of the Act. On March 22, 2021, Pickering City Council voted in favour of amending the MZO, and on July 2, 2021, the MZO was amended by Ontario Regulation 515/21 to exclude the lands at 1802 Bayly Street. By letter dated August 27, 2021, counsel for Pickering Developments (Squires) Inc. advised TRCA that the permit application is withdrawn.

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Subsequent to the amendment of the MZO to exclude the site, and withdrawal of the permit application, the judicial review application filed by the environmental organizations was also withdrawn. The issue raised in the judicial review application regarding the requirement for the MZO to be consistent with the Provincial Policy Statement (PPS) was dealt with through the introduction on March 4, 2020 of the *Supporting Broadband and Infrastructure Expansion Act, 2021* (Bill 257), which received royal assent on April 12, 2021 and amended the *Planning Act* such that a Minister's zoning order, for lands outside of the Greenbelt Area, does not have to be consistent with the PPS. The amendments apply retroactively such that any existing Minister Zoning Order is not required to be consistent with the PPS.

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