

Clause 8 in Report No. 5 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on March 23, 2017.

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Annual Report on Use of Delegated Authority for Representation
on Matters Before the Ontario Municipal Board - 2016

Committee of the Whole recommends adoption of the following recommendation contained in the report dated February 16, 2017 from the Regional Solicitor and the Commissioner of Finance:

1. That Council receive this report for information.
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Report dated February 16, 2017 from the Regional Solicitor and the Commissioner of Finance now follows:

1. Recommendations

It is recommended that Council receive this report for information.

2. Purpose

This report provides the annual update on the use of authority delegated to the Regional Solicitor and Commissioner of Finance for expenditures on external legal services for matters before the Ontario Municipal Board (“OMB”).

3. Background

The Regional Solicitor has delegated authority to retain external legal services for OMB matters, including matters associated with appeals of the Regional Official Plan (“ROP”) and amendments to the ROP. The Commissioner of Finance is authorized to transfer funds from the Tax Stabilization Reserve to pay related invoices. An annual report to Council is required as part of this delegated authority.

4. Analysis and Implications

Four matters before the OMB in 2016 were handled by external counsel

Internal counsel continue to handle the majority of planning and development related appeals to the OMB. Delegated authority was used to pay legal fees for the following ongoing matters:

- Regional Official Plan
- Vaughan Official Plan (2010)
- Buttonville – City of Markham

Due to scheduling issues, one new retainer of external counsel occurred in late 2016 for appeals related to site-specific development applications (CIM Developments Inc.).

External counsel was retained in each of these matters pursuant to retainer agreements with Borden Ladner Gervais LLP, WeirFoulds LLP and Scargall Owen-King LLP for 2016-2018.

7Expenditures for external legal services in 2016 were lower than anticipated

Expenditures for external legal services in 2016 were lower than expected due to adjournment of the ROP Phase 4 hearing to August 2017 (Phase 4 addresses ROP policy pertaining to cemeteries) and adjournment of the Buttonville hearing to allow for mediation and settlement discussions.

Expenditures for external legal services may increase in 2017

In 2017, external counsel will continue to represent the Region in the above-noted appeals. It is expected that expenditures for external legal services in planning and development matters may increase in 2017 compared to the level of expenditure in 2016. The hearing for Phase 4 of the ROP appeals is expected to last for two weeks and the hearing for the CIM Developments Inc. matter is scheduled for one week in May 2017.

Link to key Council-approved plans

The efficient use of external counsel through established agreements furthers the Strategic Priority Area set out in the Region's Strategic Plan of managing the Region's finances prudently.

5. Financial Considerations

External counsel has provided invoices for services rendered in 2016 in the amount of \$191,513, inclusive of disbursements and HST, of which \$27,417 was for the ROP/ROPA matters. The Commissioner of Finance has transferred funds in that amount from the Tax Stabilization Reserve to pay these invoices.

The retainer agreements in place with the three firms retained by the Region provide for all external legal work, including representation in matters before the OMB and ensure that such services are provided in a cost-effective manner.

6. Local Municipal Impact

There is no local municipal impact; however, the local municipalities benefit from the Region's participation in matters before the OMB.

7. Conclusion

The use of delegated authority in retaining external counsel allows the Regional Solicitor to manage external legal resources in an effective and efficient manner, and ensures access to external resources as required to protect and promote the Region's interests in matters before the OMB.

For more information on this report, please contact Gabe Szobel, Senior Counsel Planning and Development Law, at 1-877-464-9675 ext. 71433.

The Senior Management Group has reviewed this report.

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Accessible formats or communication supports are available upon request.