
REPORT TITLE: External Legal Services for Regional Official Plan Review Matters, Transportation Corridor Protection and Related Hearings

FROM: Patrick O'Connor, Regional Solicitor
Andrew Farr, Interim Commissioner of Public Works

RECOMMENDATION

That the Contract (Document 2011-239N) awarded to Garrod Pickfield LLP for External Legal Counsel Services to defend Peel Region Official Plan Review, Regional Official Plan Amendments at the Ontario Municipal Board, now Local Planning Appeals Tribunal, and related hearings be increased by \$85,957.34 (exclusive of applicable taxes) for a new total commitment of \$847,957.34 (exclusive of applicable taxes), in accordance with Procurement By-law 30-2018, as amended;

And further, that authority be granted to the Director of Procurement, upon the advice of the Regional Solicitor, to approve further increases to the contract for retention of legal and other services that may be required to the limit of the approved capital budget, in order to achieve the completion of litigation or, subject to the approval of Regional Council, a settlement.

REPORT HIGHLIGHTS

- In April 2011, Regional Council awarded a contract to Garrod Pickfield LLP for external legal services for the Peel Region Official Plan Review, Ontario Municipal Board hearings.
- In December 2012, a further \$333,200.00, was approved by Regional Council to fund remaining appeals and other related matters associated with this contract.
- An increase of \$85,957.34 is now required to address additional appeals that have occurred and that need to be addressed by external legal counsel within the scope of the contract awarded to Garrod Pickfield LLP.
- Authorization for a further extension or extensions within budget constraints to see the matter and any related work to completion is also requested.

DISCUSSION

1. Background

In April 2011, Regional Council awarded Garrod Pickfield LLP (Garrod Pickfield) a contract of \$364,000 for external legal services for the Peel Region Official Plan Review Ontario Municipal Board (OMB) hearings and related hearings (Resolution 2011-379).

External Legal Services for Regional Official Plan Review Matters, Transportation Corridor Protection and Related Hearings

On April 19, 2011, the appellant to Peel Region Official Plan Review, Regional Official Plan Amendments (ROPAs) 20 (Sustainability and Energy), 22 (Transportation), 23 (Housing), 24 (Managing Growth, Employment Areas, and Greenbelt Conformity), and 25 (Performance Measurement and *Planning Act* Conformity) withdrew its entire appeals of ROPA 23 and 25. The appellant partially withdrew its appeals of ROPA 20 and 22. On June 25, 2012, the OMB approved the settlement of most of the appealed policies from ROPA 20, 22, and 24. Only a few policies from the Strategic Infrastructure Study Area, which protects the Greater Toronto Area (GTA) West Corridor in Caledon and the North-South Corridor in West Brampton, were deferred to a later date.

In December 2012, Council approved a further \$333,200.00 for Garrod Pickfield's work on the remaining appeals of ROPA 20, 22, and 24 Strategic Infrastructure Study Area policies and other related matters including the five appeals to Peel Region Official Plan Review ROPA 21B (Natural Heritage and Agriculture) (Resolution 2012-1398).

Additional work

Since that time, additional related appeals occurred and are being dealt with under this contract. ROPA 26, which includes GTA West Corridor protection policies and the Transportation Schedules, was appealed and consolidated with the Strategic Infrastructure Study Area policies of ROPA 20, 22, and 24 to consist of the Transportation Corridor Protection Policy Appeals. Garrod Pickfield is monitoring the GTA West Corridor developments and attending to the resolution of these appeals since that time, including meetings with staff and parties, attending prehearings, and drafting required materials.

In relation to the Transportation Corridor Protection Policy appeals, Garrod Pickfield has also been involved with other GTA West Transportation Corridor-related matters, including Brampton OPA 105, and site-specific applications, including Orlando and Caveze. This work involves monitoring the area Environmental Assessment; and having meetings and discussions with City of Brampton and other parties. This work is anticipated to continue through the spring, summer and fall of 2020, including preparation and attendance of Local Planning Appeals Tribunal motions and appeal hearings, as necessary.

Ongoing uncertainty around the alignment of the GTA West corridor has also given rise to the need for legal advice on private development application appeals within the transportation corridor as part of this retainer.

For these reasons noted above, the approved contract was expended prior to the resolution of all appeals.

Garrod Pickfield has provided a quotation in the amount of \$85,957.34 for the aforementioned additional legal services, including the settlement discussions, preparation of witness statements, and preparation and attendance of pre-hearings and hearings of the matters outlined above.

Authority is being sought for the Director of Procurement, upon the advice of the Regional Solicitor, to approve any further increases to the contract for retention of legal and other services to the limit of the approved budget, that may include disbursements, additional expert reports, attendance at mediations, meetings with staff and other parties, and preparing for and attending further pre-hearings and hearings. Any additional costs incurred will be reported through the Finance Department's triannual procurement activity report to Council.

External Legal Services for Regional Official Plan Review Matters, Transportation Corridor Protection and Related Hearings

2. Proposed Direction

Staff is recommending an increase of the current Contract to cover additional services. It is recommended that the contract amount be increased by \$85,957.34 to cover the current and additional work required to resolve these appeals, for a total revised contract amount of \$847,957.34.

FINANCIAL IMPLICATIONS

There are sufficient funds available in Capital Account 20-7708 to carry out the direction recommended in this report.

For further information regarding this report, please contact Rachel Godley at ext. 7189 or via email at rachel.godley@peelregion.ca.

Authored By: Rachel Godley, Legal Counsel, Dispute Resolution

Reviewed and/or approved in workflow by:

Department Commissioners, Division Directors, Financial Support Units, Legal Services and Procurement.

Final approval is by the Chief Administrative Officer.



N. Polsinelli, Interim Chief Administrative Officer