

# Court ruling curtails Metro's power to veto municipalities' decisions

Decision reduces effectiveness of regional growth strategy, mayor warns

BY KELLY SINOSKI, VANCOUVER SUN MARCH 16, 2014



Metro Vancouver Chair Greg Moore fears that the regional districts attempts to manage growth across the region will be undermined after a B.C. Supreme Court judge ruled it does not have the power to veto decisions within local municipal boundaries.

<http://www.courts.gov.bc.ca/jdb-txt/SC/14/04/2014BCSC0413.htm>

Photograph by: Stuart Davis, Vancouver Sun

Metro Vancouver fears its attempts to manage growth across the region will be undermined after a B.C. Supreme Court judge ruled it does not have the power to veto decisions within local municipal boundaries.

The ruling, which centres around a massive "urban-style" subdivision on 13 hectares of agricultural land in Langley Township, knocks most of the teeth out of the regional growth strategy adopted in 2011.

The strategy, which replaced the former Liveable Region Strategy, aims to curb urban sprawl and protect agricultural land for local food production as Metro Vancouver prepares to welcome another million more people by 2040, bringing the population to 3.4 million.

The plan had been unanimously endorsed by municipalities, but regional district chairman Greg Moore warns there is no point in having an agreement if it can't be enforced.

“That’s our fear, especially after hearing some of the language the judge used about the authority of a regional district in land use decisions in a municipality,” said Moore, mayor of Port Coquitlam. “That’s a real big concern because we would argue that land use within a municipality of a certain scale does have regional significance.

“It could mean more traffic or transit use or a higher cost of service. Or it could mean displacing industrial use which puts more pressure on another municipality.”

The ruling could also set a precedent for other municipalities that hope to push residential developments on agricultural or industrial land outside designated town centres.

Under the regional growth strategy, municipalities are required to develop regional context statements that show how they plan to meet the goals and outcomes of the strategy, thus making it legally binding.

If they wish to make changes to those statements, they must go to the Metro Vancouver board for a two-thirds majority vote.

Delta, for instance, is awaiting approval from Metro Vancouver for a public hearing on a massive development on 217-hectares of agricultural land in Tsawwassen, while Port Moody is expected to put forward changes to its Official Community Plan.

But in her decision, Justice Neena Sharma ruled Metro Vancouver “does not have superiority over land use management within the boundaries of a municipality,” which means Metro may not have any control over what a municipality does anyway, Moore said. Metro has not yet decided if it will appeal the decision.

“We just want to make sure we’re growing the right way as a region,” Moore said.

The problem with Langley Township arose after that council approved rezoning of the 13 hectares of agricultural land around Trinity Western University without going to a Metro Vancouver vote.

Metro argued the plan was inconsistent with the regional growth strategy, because Langley Township had set a minimum of eight hectares per lot size in the university district, but was now looking to allow a 67-lot, single-family subdivision that would see homes as small as 2,800 square feet.

But Langley Township council maintained it had a legal right to rezone the property, which has been earmarked for development for more than two decades and was part of the livable region strategy adopted in 1996 — and not the regional growth strategy.

Mayor Jack Froese maintains that while there is a need for a regional strategy, it is ultimately up to the municipality to decide how to grow.

“It’s a delicate balance,” he said. “If something happens in Port Moody on its land use plan or in Coquitlam or New Westminster, I don’t have intimate knowledge of those communities. You have to rely on local councils to do what’s best for their municipalities. If (residents) aren’t in agreement with council they have that choice to boot them out in the next election.

“I look at the regional district and municipalities as having an equal role in sharing services. I don’t see

the regional district as being above the municipality.”

Froese said the ruling should bring greater clarity to Metro Vancouver's role in the strategy and suggests they may have “rethink” the plan to “recognize a municipality's right to deal with parcel-to-parcel land use decisions.”

Langley Township isn't the only municipality to show dissension in the ranks. Metro directors from Surrey and Pitt Meadows were outraged after Metro Vancouver rejected a request by Langley Township landowner Al Hendricks to develop four hectares of agricultural land in North Murrayville. Sharma also overturned that decision in her judgment.

Those directors argued they had similar plans for “edge planning” on parcels that abut both agricultural and urban boundaries and they should be able to decide how to develop their lands.

“Edge planning is the prerogative of the local government, not the regional government. We have significant edge farming policies in our city and where we develop,” Surrey Coun. Linda Hepner had said.

Moore insists the regional district doesn't “have a history of not supporting our local governments,” noting it has approved changes in the past to Maple Ridge, Port Coquitlam and Delta.

The plan, he said, is to work collectively in managing growth and delivering water, sewer, transit and other services to a million more people and 600,000 new jobs.

Two-thirds of growth is expected to be contained in urban centres with protective pockets of agricultural and industrial land and mixed-use developments. “This isn't just for us but for all regional districts,” he said.

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