

New PPS policies on Ontario's natural environment

## WATERSHED MOMENT

By Edward LaRusic

Environmental experts praise the addition of new language and policies to protect Ontario's natural environment under the recently-updated 2014 *Provincial Policy Statement (PPS)*, but warn some confusion remains over the definition of "significant woodlands" and "cultural heritage landscapes."

**Tom Hilditch**, founder and president of **Savanta**, an environmental consulting firm, told *NRU* that the 2014 *PPS*, which takes effect April 30, strengthens efforts to improve ecological restoration and create large natural heritage systems.

"The PPS has always had language like 'conserve,' 'enhance' and 'restore where possible,' but the language is stronger now around restoration and enhancement. So it's moving in a direction that suggests [to] people we'll have to go beyond protecting what's there, and look much more creatively at enhancing systems and improving systems that are on the ground."

As a result, Hilditch predicts, municipalities and private developers will likely invest additional funds to create natural systems that "function well and are sustainable in the long-term."

He cited recent initiatives in Brampton, where he said the development industry has made "substantial investments" to create large natural heritage systems that account for about 20 per cent of a landscape compared to about

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Key open races in Region of Peel

## ELECTORAL CHANGE LOOMS

By Sarah Ratchford

Taxes, transit and urbanization will be key challenges for a new crop of political leaders seeking election this fall in the Region of Peel. Nowhere are the issues – and generational change – more evident than in Mississauga, where the race is heating up to replace one of the Canada's most iconic politicians.

After 36 years on the job, 93-year-old Hazel McCallion will not be seeking re-election on Oct. 27 as mayor of Mississauga, Canada's sixth-largest city. In Caledon, after three terms, mayor Marolyn Morrison has announced her intention not to run again.

Regional chair Emil Kolb, who has held the appointed post since 1991, has announced his plans to retire. McCallion's retirement sets the stage for what many believe will be a closely-watched contest between two political veterans.

McCallion has indicated she will remain neutral in the race to succeed her. But in an interview with *NRU*, she remains outspoken on what she sees as a top priority for Mississauga and the Toronto region.

"We need funding to solve the congestion in the GTA. Not just in Mississauga, but we need transit

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## UPCOMING DATES

### MARCH 19

Durham Region Transit Executive Committee, 1:30 p.m.

Halton Region Planning & Public Works Committee, 9:30 a.m.

Halton Region Administration & Finance, 1:30 p.m.

Heritage Vaughan, 7:00 p.m.

Richmond Hill Council public meeting, 7:30 p.m.

Mississauga Transportation Committee, 9:00 a.m.

Heritage Halton Hills Committee, 6:30 p.m.

### MARCH 20

York Region Committee of the Whole 2, 9:30 a.m.

### MARCH 24

Hamilton Audit, Finance & Administration Committee, 9:30 a.m.

Barrie Council, 7:00 p.m.

Richmond Hill Council, 7:30 p.m.

Newmarket site plan review, 2:00 p.m.

Newmarket Council, 7:00 p.m.

Brampton Planning, Design & Development Committee, 1:00 p.m.

Mississauga Planning and Development Committee, 7:00 p.m.

Burlington Development and Infrastructure Committee, 1:00 p.m.

Milton Administration and Planning Standing Committee, 7:00 p.m.

Pickering Council, 7:00 p.m.

NOVÆ res urbis  
GREATER TORONTO  
AREA EDITION

New zoning by-law proposed

# AURORA GROWS UP

By Edward LaRusic

The Town of Aurora's mayor said it's time to move into the 21<sup>st</sup> century with a proposed new zoning by-law that aims to give clarity to residents and developers.

**Geoffrey Dawe** told *NRU* there are too many definitions in the current zoning by-law that dates to 1978.

"Goodness gracious, we have one side of the street with one zoning definition and the houses on the other side with a different one," said the mayor. "It just doesn't make any sense. So doing this brings some sanity to our zoning process."

"I know a couple of folks that have had a [holding provision] on their property for a quite a while, [and are] asking 'when is this going to go away?'" said Dawe.

In an e-mail to *NRU*, Aurora director of planning and development services **Marco Ramunno** wrote that, since 1978, "the zoning by-law has since gone through numerous amendments and office consolidations adding new exception zones, definitions and general provisions, however a comprehensive review has never been completed."

The new by-law, he added, would "streamline and consolidate zones, update performance standards and clarify language to produce a more user-friendly document."

Aurora has grown significantly over the past 35 years. In 1981, three years after

approval of the current zoning by-law, the town had 16,000 residents according to Canada census data. By the 2011 census, Aurora's population has more than tripled to 53,000 and now is forecast to grow to more than 62,000 people by 2015.

The new by-law is particularly relevant for the future development of the "Aurora Promenade" located at the intersection of Yonge Street and Wellington Street East, the town's historical main streets.

"As the town runs out of greenfield lands, Aurora will focus its future growth as infill and redevelopment along the [Aurora Promenade Planning Area]," Ramunno wrote. "Major changes to the zoning by-law will include the introduction of progressive zoning standards, parking rates and permitted uses for the Aurora Promenade."

A challenge for city officials, he added, is to strike a balance between updating an implementation document to conform to the town's new Official Plan and maintaining consistency so as not to negatively affect property owner rights.

Officials are currently finalizing the first draft of the new zoning by-law, with a public meeting slated for late spring. A series of technical papers regarding the proposed zoning by-law are available on the [Town of Aurora's website](#). [NRU](#)

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CITY OF TORONTO • GREATER TORONTO • VANCOUVER

Municipalities eye Building Canada Fund

# INFRASTRUCTURE WORRY

By Sarah Ratchford

Municipal officials, including some in the Greater Toronto Area, say they are worried about the potential exclusion of some local infrastructure projects from the federal Building Canada Fund that takes effect April 1.

The [fund](#), which allocates \$14-billion over 10 years for building and maintenance of infrastructure, may not apply to municipal roads, according to the president of the Federation of Canadian Municipalities.

“We heard that the local roads will be excluded,” FCM president **Claude Dauphin** told *NRU*. “Many of our members are small municipalities. In rural Canada, sometimes [roads are] the only infrastructure that they have.”

Dauphin says his organization is seeking clarification from Infrastructure Canada on what are eligible municipal projects for federal funding.

“If you exclude local roads, for us, that’s a big problem.”

Dauphin says his concerns likely wouldn’t exist if the federal government had consulted with the FCM during the last budget, but he says that didn’t happen.

Halton Hills councillor **Clark Somerville**, third vice-president of FCM, says he is concerned about access to the fund for smaller, more rural municipalities in the GTA if roads are not considered eligible for funding.

But Somerville said he believes some of the FCM’s issues with the fund can be rectified through further discussion with the federal ministry.

“What I would suggest is further consultation,” he tells *NRU*. “There can be easy solutions found for a lot of these.”

The Building Canada Fund, announced in February, is part of the federal government’s Building Canada Plan launched in 2007. When the new fund was announced last month, Prime Minister Stephen Harper [stressed](#) that it would provide support to smaller municipalities to build the infrastructure they need most.

In a [recent release](#), FCM also raised concerns about what it views as a lack of clearly-allocated funds for municipalities and a requirement that every project valued at more than \$100-million be assessed as a public-private partnership. The government promotes such collaboration on infrastructure projects as a “long-term performance-based approach to

procuring public infrastructure where the private sector assumes a major share of the risks in terms of financing and construction...from design and planning, to long-term maintenance.”

FCM’s Dauphin says the inclusion of private-public partnerships in the funding formula may not work well in the municipal arena.

“First of all, the municipalities in Canada own more than 60 per cent of all the infrastructure in the country, and we don’t know what percentage of that \$14-billion [will be allocated to them] over the next 10 years.”

“What will be the share of the municipalities?” he asks. “Provinces are able to apply, and even the universities are able to apply. We would like a statement saying that the municipalities will have at least 60 per cent, or maybe more, of the [Building Canada Fund].”

Despite their concerns, both Somerville and Dauphin say they’re pleased with the fund’s announcement. Dauphin says the FCM has been “pleading” with the government for such a fund for years. Now that one exists, he says, he just wants to be sure municipalities get their fair share.

Infrastructure Canada did not respond to a request for comment and clarification as to whether local roads are included as projects funded by the initiative by *NRU*’s deadline.

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# WATERSHED MOMENT

CONTINUED FROM PAGE 1

six per cent in the past.

Significantly, he said, new language in the 2014 *PPS* on climate change makes it an important issue to be addressed by municipal planners and the development industry.

“It’s going to require people to come forward, and talk about how you integrate climate change into development planning and infrastructure planning,” said Hilditch. “How do we prevent climate change from having long-term effects? That’s a requirement [in the new *PPS*] that I think is new and more challenging because it’s less well understood.”

Environmental lawyer **Julie Abouchar (Willms & Shier LLP)** agrees.

“The new language is requiring planning authorities to support energy conservation and efficiency, reduce [greenhouse gas] emissions, and climate change adaptation, so I think that will mean that there be a piece in their work that is going to have to support all of those things,” she said. “In everything that they do, they’ll have to think about climate change. Whether they’re looking at transportation, or development and different uses of land, they’ll have to think about the impacts on climate change.”

Abouchar added that new policies and language in the *PPS* address improvements to or restoration of the “quality and quantity of water,” placing the watershed as a meaningful unit for long-term planning.

“For municipalities or for planners that are working with this document, they’re not used to taking a watershed-based approach,” she said, with the previous focus on municipal boundaries. The new language means that municipal planners will have think beyond their borders, as is the current practice for conservation authorities, when assessing the impact of development on the watershed, she said.

Hilditch predicts it will take a little time to “shake-out” the impact of the updated *PPS*.

“Municipalities now need to define natural heritage systems,” he said. “Some have started to do that, such as Peel, York, and Halton [Regions].”

Hilditch notes an expanded definition in the new *PPS*, updated from 2005, of what constitutes a natural heritage system to include “natural heritage features and areas, federal and provincial parks and conservations reserves,” and “other natural heritage features.”

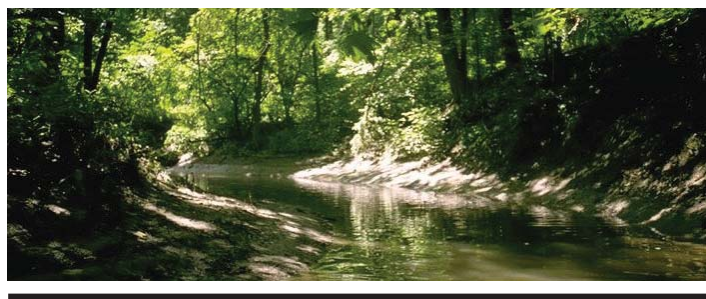
## Other 2014 *PPS* changes

Environmental consultant Tom Hilditch noted three additional changes of note:

- Promotion of development and land use patterns that conserve biodiversity (policy 1.1.1 h)
- Use of both provincial and federal approaches to

endangered and threatened species in relation to development and site alteration (policy 2.1.7)

- Increased emphasis on the promotion of green infrastructure and stormwater management as best practices (policies 1.6.2 and 1.6.6.7)



“The approaches taken in each of those [municipalities] are different, so although there is a requirement for it now, there are still not clear rules around what that means,” he said. “The standards are going to differ from place to place.”

Also of concern to Hilditch is the revised definition of “significant woodlands.” In contrast to general language used in the 2005 version of the *PPS*, language in the updated policy “raises questions over who (municipalities or the province) determines what is a significant woodland.”

The new definition in the 2014 *PPS* says that woodlands may be “delineated according to the *Forestry Act* definition or the province’s Ecological Land Classification system definition of ‘forest,’” which Hilditch suggests might be attempt by the province to reign in municipalities.

“What about these significant woodland studies that have been done in York, and Peel and Halton and other locations?” asked Hilditch. “Have they gone too far in terms of declaring woodlands that perhaps are beyond what the province would designate as significant woodlands?”

# WATERSHED MOMENT

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“Because municipalities are saying that all woodlands ‘are important,’ what’s the threshold for ‘significance?’” he asked. “When does ‘important’ get replaced by ‘significant’? If it’s the province that makes that determination, how are these municipalities going to define them going forward?”

Finally, he cited a change in the definition of “cultural heritage landscape”, potentially opening the door for municipalities to expand conservation areas. Hilditch said that whereas the older definition required natural elements and heritage features, the new definition simply requires natural elements alone. Rural municipalities, such as Halton Hills and areas of Durham Region, could use the new language to protect features such as hedge rows, old stone fences and old agricultural buildings.

“Typically, hedge rows take on a lot of prominence in the planning process,” said Hilditch. “Municipalities say ‘we’ll encourage scattered trees and hedge rows to be looked at for possible retention’ and the development community tends to look at them as the lowest level of importance on the landscape and seek to get them removed.”

“Those kinds of natural features might take on a higher degree of importance than they have in the past.”

*For more information about the new Aboriginal interest and rural policies in the 2014 PPS, see the March 5 issue and March 12 issue respectively of NRU GTA. For more information of new policies affecting Toronto and other municipalities, see the March 7 issue of NRU Toronto. [nrU](#)*

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# ELECTORAL CHANGE LOOMS

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funding for all of the GTA.” In order to do that, she says, new revenues will be needed.

“It can’t be done on property tax,” she says, and says there will need to be additional revenues either locally, or at the federal level.

Meanwhile, Steve Mahoney, a former Mississauga councillor who later served as an Ontario Liberal MPP and a federal MP, registered this week to run for mayor.

In an interview with the *Toronto Star*, Mahoney said he hopes to address the city’s \$1.5-billion infrastructure deficit and explore the potential for private-public partnerships. Mississauga only began borrowing last year after decades of operating debt-free.

Meanwhile, an announcement is “imminent” on Mississauga councillor **Bonnie Crombie’s** expected bid to succeed McCallion, according to **FleishmanHillard** senior vice president and senior partner **John Capobianco**, a top advisor to Crombie.

Capobianco says McCallion’s retirement after 36 years on the job comes at a transformative time for Mississauga, as it evolves from a mature suburban community looking to intensify its urban profile. Whoever becomes the next mayor of Mississauga, he says, will need to lay out a vision for transit expansion, infrastructure renewal and growth that wins support from councillors and the public.

“Hazel’s not running again, after 30 plus years. There will be a new mayor for Mississauga, and how that is going to affect council is going to be important,” he tells *NRU*.

Transit will be a top issue for Mississauga’s next leaders, he said. Mississauga and Brampton are currently holding public consultations on plans for the proposed Hurontario-Main light rail transit project.

A key question for the next generation of Mississauga leaders, says Capobianco, is:

“How does Mississauga fit into the GTA transit system?”

CAA government relations specialist Caroline Grech agrees, citing road congestion as a top priority for her members

“Traffic congestion is a huge issue. The 905 has grown up and with that comes expensive infrastructure projects,” she tells *NRU*. As recommended by the province’s transit investment advisory panel, chaired by Anne Golden and with a CAA representative as a member, Grech says there’s a need for dedicated transit funding.

“The burgeoning growth is great; it’s great for the economy, and great for municipalities,” she says. In terms of planning, it means taking the suburban [footprint] and turning it urban

[in form].”

“I think [the GTA] has grown so fast that now it’s trying to catch up with that growth,” she adds. [The GTA is becoming more] prosperous and now big-city challenges are coming to the suburbs.”

The identification of “viable transit options” – such as all-day GO service – and how to fund them would be helpful developments, says Grech, given that multi-modal choices for riders can decrease congestion.

Meanwhile, in speaking to *NRU*, McCallion was blunt about the options ahead on transit funding.

“Let’s put it this way: We have two choices. We can do nothing, and just let [congestion] grow,” she said. “The federal government can continue to make no contribution, the province can make no contribution, and we can just let it go. Or we can do something. Those are the choices, and the people have to respond.”

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**Hazel’s not running again, after 30 plus years. There will be a new mayor for Mississauga, and how that is going to affect council is going to be important.**

• John Capobianco

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She says voters have to decide if they’re willing to put up with congestion or put pressure on the federal and provincial governments to contribute transit dollars to ease gridlock.

McCallion has managed to keep taxes relatively low throughout her terms, but warns that an increase in taxes will be unavoidable as the city grows.

“Running a city is no different than running a house. The costs have gone up, so where does the money come from?” she asked.

“You just have to keep the taxes in line with the increased cost of the operation.”

McCallion says she wants her successor and the next term of council to continue to keep infrastructure up to date and commit to “investing the money in it even if it means going into debt.”

She said she also hopes the next council will make a concerted effort to keep Mississauga as green as possible.

Under McCallion’s leadership, Mississauga has transformed itself into an increasingly dense urban centre with eye-catching high-rises, such as the Marilyn Monroe towers. McCallion’s successor will likely have to address challenging questions about the degree of density in the future

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# ELECTORAL CHANGE LOOMS

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and how to ease traffic gridlock.

The way Mississauga fits into the GTA without Hazel is going to be a key factor, too,” says Capobianco. In the past, McCallion led a largely united council and commanded a national presence in the media. In future, says Capobianco, Mississauga will have no choice but to solidify its changed identity, provincially and nationally, under the leadership of a new mayor.

Capobianco says people are generally happy with the city’s progress under McCallion. But with the city assured of a new leader, the task will be to navigate a course for an evolving city.

He predicts that taxes will be a major issue in future.

“Hazel didn’t really raise new taxes. She ruled with an iron fist,” he says, and a new mayor could face a council more divided than in the past on taxes and other politically-sensitive issues.

Brampton mayor Susan Fennell is the only Peel mayor

seeking re-election. Some controversy had dogged her mayoralty, including spending of \$185,000 on travel at public expense over a five-year period. She tells NRU her some of her priorities are “investing in public transit and breaking gridlock” for the next term of council.

Fennell says all levels of government need to “work together to find solutions to break gridlock, without new taxes and fees.” She points out that Züm, Brampton’s bus rapid transit system, is funded by all three levels of government, and says the same approach should be used to fund other major transit projects, such as the proposed Hurontario-Main LRT.

BILD vice-president of policy and government relations Paula Tenuta said she hopes that candidates for elected office in Peel recognize the importance of the OMB and the need to keep of development charges in check. [nru](#)

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# GTA IN BRIEF

[Increased fines for drivers](#)

The **Ministry of Transportation** introduced new legislation March 17 aimed at curbing distracted drivers in Ontario. If passed, the proposed Keeping Ontario's Roads Safe Act and amendments to the *Highway Traffic Act* would raise fines to a range of \$300 and \$1,000 (compared to between \$60 and \$500 currently) and penalize drivers three demerit points for distracted driving, such as use of any hand-held device while operating a vehicle. The proposed legislation would require drivers to yield to pedestrians at school and pedestrian crossings and permit cyclists to ride on paved shoulders, with a goal of improving cyclist and pedestrian safety.

[GO train service expansion proposed](#)

The Ontario government recently announced [plans](#) to increase **GO Train** service between **Waterloo Region** and the Greater Toronto Area, with full-day, two-way trips between Kitchener and the GTA. **Metrolinx** also plans to add two additional morning and afternoon trips by 2016.

DURHAM

[Updated Scugog's zoning by-law recommended](#)

A **Town of Scugog** staff [report](#) recommends council approve additional changes to the new comprehensive zoning by-law at its meeting March 17. The revisions address comments received at a public meeting in February and include changes to definitions of communal dwellings, boundaries for Caesarea hamlet, downtown Port Perry commercial zones, Highway 7A commercial zones, permitted uses in environmental protection and agricultural zones, technical definitions, size of attached garages and size of parking spaces.

HALTON

[Burlington wins Canada's best mid-size city](#)

The **City of Burlington** was named the top mid-sized city in Canada, according to a ranking by **Moneysense** magazine. Burlington scored well on its proximity to a major centre (Toronto) and on a quality of life that combines "low unemployment, pleasant weather, low crime, high incomes, and, notably,

great transit." The **Town of Oakville** was second on the list.


[Higher density recommended for Burlington apartments](#)

A report by **City of Burlington** staff recommends council enact a by-law for an official plan amendment application by **Hamilton District Christian Senior Citizens Home Inc. (Maranatha Gardens)** at its meeting

March 17. The amendment would re-designate land from low and medium density to high-density residential to permit a six-storey seniors apartment building with 148 units. The property is located at 3260-3306 New Street.

[Halton Hills Phase 2 development recommended](#)  
A [report](#) by **Town of Halton Hills** staff recommends

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# GTA IN BRIEF

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council endorse the vision and guiding principles of Phase 2 of the Vision Georgetown [project](#) at its meeting March 17. The report on future expansion of Georgetown provides an update on the project, including community engagement initiatives and events, an information paper by **Meridian Planning Consultants** and a sub-watershed study.

## [Halton Hills secondary plan approval sought](#)

A [report](#) by **Town of Halton Hills** staff recommends council endorse the final report of a secondary plan, official plan and zoning by-law amendments for the Hamlet of Norval Secondary Plan review at its meeting March 17. The changes address comments from the public and **Halton Region** and **Credit Valley Conservation** on issues including land use designations and re-zoning for specialty food stores, medical offices, motor vehicle sales, parking, and a church.

## YORK

## [Hosts invited for York University satellite campus](#)

**York University** and the Region of York have invited

interested municipalities to make formal presentations on their merits as potential host locations for a future proposed satellite campus. A **City of Vaughan** staff [report](#) recommends council confirm its support at a meeting March 18 to join the “York in York” campus initiative as part of the University’s proposed expansion beyond the northern boundary of **Toronto**. The report also recommends staff prepare a response and presentation to promote Vaughan as the desired location for the expansion.

Meanwhile, a [report](#) by **Arnold Neufeldt-Fast** to a March 18 council meeting of the **Town of Whitchurch-Stouffville** recommends the town prepare a presentation to promote itself as a site for the proposed campus. The report cites the town’s transit links, highway access and size and location as favourable conditions for a satellite campus

## [Downtown Stouffville CIP program funding](#)

A [report](#) by the **Town of Whitchurch-Stouffville** staff recommends council consider additional programs for the downtown Stouffville Community

Improvement Plan at its meeting March 18. The report also recommends funding for programs related to improvement of building facades, signage, and rehabilitation and fibre/broadband services. With a budget of \$50,000 this year for the programs, staff have recommended a minimum grant of \$1,000 per project.

## [Whitchurch-Stouffville OP amendment recommended](#)

A [report](#) by the **Town of Whitchurch-Stouffville** recommends council approve an official plan amendment and

implementation by-law at its meeting March 18. The amendment is part of the growth management strategy implementation for the development of the Community of Stouffville Phase 3 lands with mostly medium and high-density residential units. Details of the amendment include re-designating lands from rural to residential and refining the greenland system boundaries to protect these natural areas and accommodate future developments. [nru](#)



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# GTA OMB NEWS

## Richmond Hill parkland hearing continues

In a decision issued March 6, board vice-chair **James McKenzie** ordered a continuation of a hearing of **Great Land (Yonge 16<sup>th</sup>) Inc.** to determine the value of parkland to be paid as money-in-lieu to the **Town of Richmond Hill**. Great Land seeks permission to redevelop four blocks for mixed-use residential-commercial purposes including 919 units. Great Land agreed to satisfy section 42 of the *Planning Act* by providing a portion of the eastern block for park purposes and a money-in-lieu payment but the amount has not been determined.

Great Land and the town took different approaches to calculating the value of parkland dedication, with the board requested to determine the amount owing. The discrepancy is due to different interpretations of the terminology and language in the *Planning Act* and the town's official plan policies on parkland dedication.

The board found that Great Land's approach -- to subtract the park block's market value from the block's land value instead of multiplying the quantity of land by the per land unit value -- was "contrary to the manner in which the amount of a *Pl. Act* s. 42 money-in-lieu is to be determined." The board also found part of the town's method differed from the regime set out in the *Act*.

The board ordered a continuance of the hearing until after Victoria Day to provide time for the town and Great Land to revise their submissions to conform to the official plan and *Planning Act*.

Solicitors involved in the case are **Bruce Ketcheson** and **Efstathia Lidakis (Ritchie Ketcheson Hart and Biggart LLP)** representing Great Land (Yonge 16<sup>th</sup>) Inc. and town solicitor **Antonio Dimilta** representing the Town of Richmond Hill. (See OMB Case No. MM130030.)

## Hearing for Oakville townhouses

In a decision issued March 4, board vice-chair **Susan de Avellar Schiller** scheduled a hearing starting April 9 for appeals by **1319284 Ontario Inc. (Dunpar Developments Inc.)** of the **Town of Oakville's** failure to enact official plan and zoning by-law amendments and a plan of subdivision.


Dunpar seeks permission to re-designate and rezone land from low to high-density residential and from agriculture to residential to develop 113 townhouses. The property is located at 2158, 218, 2180 and 2192 Trafalgar Road.

Solicitors involved in the case are **Mary Flynn-Guglietti (McMillan LLP)** representing 1319284 Ontario Inc. (Dunpar Developments Inc.), town solicitor **Nadia Chandra** representing the Town of Oakville, regional solicitor **David Beck** representing Halton Region and **Jennifer Meader (Townsend and Associates)** representing Biddinton Homes Oakville Inc. (See OMB Case No. PL130321.)

## Hearing for Niagara Falls historic site

In a decision issued March 5, board member **Marc Denhez** scheduled a hearing starting May 5 for appeals by **Janice Wing** and **Friends of the Lundy's Lane Battlefield** of the **City of Niagara Falls's** approval of zoning by-law amendments for the Battle of Lundy's Lane National Historic Site located at the intersection of Lundy's Lane and Drummond Road.

After a school located on the property closed in 2011, the city acquired the designated site and proposed three uses: conversion of the school building to apartments, rezoning of the parking lot for commercial use by **Morse & Son Ltd.**, and designation of the remaining open space for park purposes. Wing and the Friends organization appealed the first two changes citing heritage value concerns.

Solicitors involved in the case are **Thomas Richardson** and **John Maloney (Sullivan, Mahoney LLP)** representing Friends of the Lundy's Lane Battlefield, **Quinto Annibale** and **John Joblin (Loopstra Nixon LLP)** representing the City of Niagara Falls and **Marc Digirolamo** and **John Broderick (Broderick and Partners)** representing Morse and Son Ltd. (See OMB Case No. PL130323.) 

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