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**MINUTES OF M843/04-2025
NIAGARA ESCARPMENT COMMISSION
HYBRID
(Georgetown office and Microsoft Teams)
April 17, 2025**

MEMBERS PRESENT

J. Chevalier (virtual, left at 11:30 a.m.), G. Driedger, M. Francis (virtual – left at 11:00 a.m.), R. Gibson, L. Golden (virtual), D. Hutcheon, L. Kiernan, G. Krantz (virtual, left at 12:00 p.m.), G. Little, K. Lucyshyn, D. McKinlay, D. Measures, D. Nielsen (virtual, arrived at 12 p.m.), R. Vacca (Chair), J. Vida, A. Witteveen (virtual).

REGRETS

None.

STAFF PRESENT

S. Carey, J. Isaac, M. Cairns, S. Dobbyn, J. Sperling, S. Robinson, K. Bannister, R. Zirger; M. Morris, R. Burns, E. Vanderwal; A. Bochenek, J. Olah, B. Fatima, R. Van Massenhoven.

ALSO PRESENT

D. Kappos, Counsel; B. Henson, Senior Policy Advisor, Natural Heritage Section, Ministry of Natural Resources, R. Patrick, C.O.N.E.

MEETING CALLED TO ORDER 9:30 a.m.

Chair Rocco (Rocky) Vacca presided.

INTRODUCTIONS / ANNOUNCEMENTS

The Chair welcomed all participants to the meeting. He advised that the meeting procedures have been posted on the Commissioner portal for use going forward; he noted that the procedures can be updated as necessary and encouraged Commissioners to send him their feedback.

The Chair thanked Commissioner Driedger for his service for the last five years and wished him all the best in his future endeavors.

LAND ACKNOWLEDGEMENT

The Chair read the Land Acknowledgment.

DIRECTOR'S REMARKS

The Director noted that Chair and Commissioner appointments are in progress; he hopes to have an update soon. He requested that Commissioners confirm their May and June attendance to ensure quorum will be met. He noted that the new meeting procedures include a section for the Commission to appoint an interim Chair for certain situations. He reminded participants of the Code of Conduct and accessibility options.

BUSINESS ARISING FROM PREVIOUS MEETINGS

No business arising.

APPROVAL OF MINUTES

M843R1/04-2025

Moved By: Francis
Seconded By: Hutcheon

"That the Commission approve the March 20, 2025, Commission Minutes M842-03-2025, as written."

Motion Carried

CONFLICTS OF INTEREST – Declaration of Conflicts of Interest

Commissioner Chevalier declared a conflict of interest with Agenda Item A2.

MOTION FOR DELEGATES

M843R2/04-2025

Moved By: Vida

Seconded By: Kiernan

“That the persons representing the matters listed on the agenda be invited to address the Commission.”

Motion Carried

CLOSED SESSION

M843R3/04-2025

Moved By: Measures

Seconded By: Witteveen

“That the Commission enter into closed session.”

Motion Carried

M843R4/04-2025

Moved By: Hutcheon

Seconded By: Gibson

“That the Commission reopen the meeting to the public.”

Motion Carried

CONSENT AGENDA ITEMS

Information only Items

G1 Director Approvals and Dashboards for MARCH 2025

G2 Appeals and Hearings update as of MARCH 31, 2025

G3 Director’s Report for MARCH 2025

G4 Plan Amendments Status update as of MARCH 31, 2025

M843R5/43-2025

Moved By: Hutcheon

Seconded By: Lucyshyn

“That the Commission accept the Consent Agenda items.”

Motion Carried

DISCUSSION AGENDA: A AND C PACKAGE ITEMS

(Staff Reports, Information items)

C1

DELEGATION REQUEST

BACKGROUND

Two delegation requests were received regarding an active compliance matter.

SPEAKERS

Melody Cairns, Manager, Program Services, and Max Morris, Compliance Program Supervisor, spoke and answered questions.

M843R6/04-2025

Moved By: Hutcheon

Seconded By: Kiernan

“That the requests for delegation be denied as this is still an active compliance file that is not currently before the Commission for decision.”

Motion Carried

M843R7/04-2025

Moved By: McKinlay

Seconded By: Measures

“That the Request for Delegation in the Miscellaneous Items section of the Public Participation Guidelines be modified to indicate that delegation requests related to active compliance matters will not be accepted unless an Order to Restore or Demolish is before the Commission for a decision.”

Motion Carried

Broke for lunch: 12:00 p.m.

Reconvened: 12:40 p.m.

A1

STAFF REPORT

N/C/2023-2024/194

PROPOSAL

To recognize the asphalt resurfacing of ± 9,290.3 sq m (100,000 sq ft) of the existing gravel driveway and parking area on an existing 20.8 ha (51.4ac) lot that supports a vineyard and winery on private servicing.

RECOMMENDATION

That Development Permit Application be approved subject to conditions.

M843R8/04-2025

Moved By: Vida

Seconded By: Witteveen

“That the Commission accept the staff recommendation to approve file N/C/2023-2024/194 subject to the following conditions of approval:

- 1. Development shall occur in accordance with the Site Plan prepared by Kurkup, Mascoe, Ure Surveying Ltd. dated November 22, 2017.*
- 2. No additional site alteration, vegetation removal or construction is permitted in association with the Development Permit. Additional construction and/or site alteration may require a new Development Permit from the Niagara Escarpment Commission.*

Advisory Notes

- a) Development Permit does not relieve the permit holder of any other permission (e.g., Ontario Building Code, Conservation Authorities Act, Endangered Species Act, etc.).”*

Motion Carried

A2

ADDENDUM STAFF REPORT

PP 226 22

Brampton Brick Limited

14504 Mississauga Road

Part Lots 29 and 30, Concession 5 West of Centre Road (Former Township of Chinguacousy),
Town of Caledon, Region of Peel

BACKGROUND:

On January 18, 2024, Staff brought forward a summary report recommending that the Commission recommend to the Minister that the amendment **not** be approved because the proposal is not consistent with the Niagara Escarpment Plan (NEP). Staff demonstrated that the lands are properly designated EPA. The plan does not allow for consideration of MREA on lands designated EPA. The approved motion was to *defer a decision on recommendation to the Minister pending consideration of a proposal by the applicant which the Commission has ability to consider, and which will address the goals of the Commission and the community linking phase 3 and phase 4* (the new lands). The Commission asked Brampton Brick to consider options that would assure surrender of the Phase 3 lands, and then to return to the Commission for further consideration and a final recommendation to the Minister.

Brampton Brick, their consultants and solicitor had several conversations with NEC staff and the Legal Services Branch solicitor about potential options between January 2024 and February 2025. The outcome of the discussions resulted in a proposed approach to enter into a legal undertaking through which Brampton Brick will commit to surrendering phase three lands subject to the issuance of a license on the new phase 4 lands. During these discussions, MNR aggregate staff were consulted on how an application for the new license on the phase 4 lands could be reviewed at the same time as an application to surrender phase 3 lands, and they have confirmed that this could be considered.

CONCLUSION:

NEC staff have not changed their planning advice to the Commission regarding the proposed plan amendment as the NEP does not allow for consideration of MREA on lands designated EPA.

Staff advise that the draft legal undertaking appears to sufficiently address the Commission's January 18, 2024, direction to ensure the Phase 3 lands could never be extracted should the proposed Plan Amendment be approved by the Minister and the phase 4 lands eventually licensed.

M843R9/04-2025

Moved By: Hutcheon

Seconded By: Driedger

“That the Commission enter into closed session.”

Motion Carried

M843R10/04-2025

Moved By: Hutcheon

Seconded By: Lucyshyn

“That the Commission reopen the meeting to the public.”

Motion Carried

M843R11/04-2025

Moved By: McKinlay

Seconded By: Kiernan

“Whereas staff reports and the submissions of Brampton Brick provides compelling but conflicting analysis of the Phase 4 lands and compliance with the NEP.

And whereas the matter contains/ involves a number of complex considerations of public benefit.

Be it resolved that the Niagara Escarpment Commission recommends to the Minister of Natural Resources that the Niagara Escarpment Plan be modified to update Map 4 of the Niagara Escarpment Plan as shown on Schedule A, subject to witnessing of the Declaration and Undertaking by Dr. Jeffrey Kerbel, President and Chief Executive Officer of Brampton Brick Limited.”

For the Motion: 8 votes

Driedger, Gibson, Kiernan, Lucyshyn, McKinlay, Measures, Vida, Witteveen.

Against the Motion: 4 votes

Golden, Hutcheon, Little, Nielsen.

Motion Carried

Note:

Commission Chevalier was not present and did not vote as she had declared a conflict of interest and Commissioners Francis and Krantz had left the meeting and did not vote.

NEW BUSINESS

No new business.

ADJOURNMENT

M843R12/04-2025

Moved By: Driedger
Seconded By: Measures

"That this meeting be adjourned."

Motion Carried

Time of Adjournment: 4:00 p.m.



Rocco (Rocky) Vacca
Chair