



MEDIA RELEASE

FRIENDS OF SIMCOE FORESTS FILES COURT CHALLENGE OVER WASTE FACILITY IN FREELE COUNTY FOREST

October 19, 2020 – County of Simcoe

Today opponents of the County of Simcoe’s proposal to build a waste facility in the Freele County Forest filed a legal challenge in their fight against the County’s plan. The Friends of Simcoe Forests Inc. filed a Notice of Application for Judicial Review with Divisional Court challenging the decision by the Local Planning Appeal Tribunal (LPAT) to delete issues related to the *Growth Plan for the Greater Golden Horseshoe* from FSF’s Issues List. The Issues List defines the issues on which FSF will be allowed to call evidence at the hearing.

LPAT’s decision was made in response to a joint motion by the County of Simcoe and the Minister of Municipal Affairs and Housing (Minister) to strike issues related to the Growth Plan from FSF’s Issues List. The applicability of the Growth Plan to the County’s proposal to build a waste facility in the Freele County Forest is central to FSF’s case. FSF asserts that by striking out issues related to the Growth Plan from FSF’s Issues List, LPAT erroneously relied on a transitional regulation which was enacted by the Minister.

The Minister’s powers to enact a transitional regulation is set out in subsection 19 (1) d of the *Places to Grow Act (PGA)*. In order to enact a regulation under that subsection the Minister must meet two statutory requirements: (i) the regulation must address a “transitional matter”; and (ii) it must facilitate the implementation of the *PGA*, a provision of the *PGA* or a growth plan. It is FSF’s position that neither criteria were met in this case. FSF is seeking among other things, a declaration from the Court that the enactment of the transitional regulation, insofar as it applies to FSF’s case, was an “improper exercise of statutory power by the Minister.”

“We believe that the transitional regulation was intended to circumvent the normal planning rules from applying to our case,” said Mary Wagner, the President of FSF. “It is a targeted regulation that has eviscerated our core grounds of appeal.”

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