



Greater Vancouver (Regional District) v. Langley (Township)



BC Court of Appeal's Decision
December 24, 2014


 SERVICES AND SOLUTIONS FOR A LIVABLE REGION


Regional Planning in Metro Vancouver

- Metro Vancouver's regional growth strategies have played a key role in making the Lower Mainland one of the most livable regions in the world.
- A key objectives has been to support the efficient use of land and infrastructure networks, and to protect agricultural land and green space.
- The adoption of Metro's RGS represents a collaboration and consensus among all member municipalities and the regional federation regarding the goals, strategies and actions that will best serve the needs of all its residents.

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The RGS Legislation


- Municipalities are required by provincial legislation to have, within the Official Community Plan, a 'Regional Context Statement'.
- The Regional Context Statement is the link between a municipality's Official Community Plan and a regional district's regional growth strategy.
- The Official Community Plan must be consistent with the Regional Context Statement.
- The dispute in question relates to two amendments the Township of Langley recently made to its Official Community Plan which enabled residential development on land that was designated 'Green Zone' under Metro Vancouver's RGS (*LRSP*).

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The Issue


- Previous RGS (Livable Region Strategic Plan) and Township of Langley's 1996 Regional Context Statement (RCS)
- June 2013, municipality passed an OCP amendment bylaw that created minimum lot size 266m²
- Lands are in the ALR, designated as part of the "Green Zone" in the RGS, and "Agricultural / Countryside" (min. lot size 8.0 ha) in the Municipal Rural Plan / OCP



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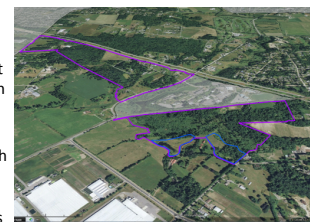
The Issue


- Metro Vancouver sought to quash the OCP amendment bylaw arguing that:
 - it was in conflict with the 'Green Zone' and created an inconsistency between the RCS and the OCP
 - minimum lot size changed from 8.0 hectares to 0.0266 ha = urban development
 - municipality should have submitted an amended RCS for consideration
- Municipality argued no inconsistency was created and that there was no need to seek an amendment to RCS - the municipality alone can determine consistency between the OCP and RCS.

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The BC Court of Appeal Decision

- The BC Court of Appeal dismissed GVRD's appeal.
- The Court determined that there was no incorporation of an 8.0 ha minimum by reference.
- The Court did not deal with the other issues of BC Supreme Court – its only relevant consideration was whether the OCP provisions were incorporated by reference into the RCS.



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Why did Metro Vancouver appeal?

- MV appealed because of the importance of regional planning to our federation.
- Where we see an inconsistency, we have a responsibility to respond, and where necessary seek clarification from the courts.
- The court gave a very narrow ruling.
- The narrow ruling applied to the interpretation of a subsection of a regional context statement that pertained to lot sizes.

What have we learned?

- In the implementation of our current regional growth strategy, *Metro Vancouver 2040*, efforts have been made to achieve greater clarity to hopefully avoid these disputes in the future.
- *Metro 2040* is a joint document created with agreement of all municipalities and RCS's need to ensure that the documents achieve the objectives of the parties.
- The ruling indicates the importance of ensuring that the region and our members continue to engage collaboratively to achieve the objectives of the regional growth strategy.