



Mayoral Direction

Decision: MDEC25-2

Date: April 1, 2025

Subject: Direction to City Employees Respecting Proposed Superior Court of Justice Application to Challenge the Validity of By-laws 25-051 and 25-052

WHEREAS:

1. On February 3, 2025, I exercised strong mayor powers under Part VI.1 of the Municipal Act, 2001 as more particularly set out in MDEC25-1 to give several directions to staff of The Corporation of the City of Peterborough (City) in relation to my proposal to Council that Council consider and vote on the following by-laws:
 - a) to amend City of Peterborough Zoning By-law 97-123, as amended (Zoning By-law), as it affects the land municipally known as 738 Chemong Road by rezoning the subject lands from Residential District 3 Exception 55 (R.3-55) in such a way to facilitate construction of an apartment building, for the purposes of transitional housing, containing up to 52 dwelling units and up to six storeys in height; and
 - b) to exempt the Brock Mission Transitional Housing Project at 738 Chemong Road from Site Plan Control By-law 11-081, as amended.
2. On February 24, 2025, in response to my proposal, Council of the City passed the following by-laws as contemplated by MDEC25-1:
 - a) By-law 25-051 to exempt development at 738 Chemong Road from site plan control; and
 - b) By-law 25-052 to amend the Zoning By-law for the lands known municipally as 738 Chemong Road.
3. On March 28, 2025, a partner in the law firm O'Flynn Weese LLP advised the City's Legal Services Division that the law firm had been retained to commence an application in the Superior Court of Justice challenging the validity of By-laws 25-051 and 25-052 on the basis that the "contemplated development is not housing within the meaning of O.Reg. 580/22, and therefore the use of the Strong Mayor Powers to bring about passage of the subject By-laws was *ultra vires* the authority conferred by the *Municipal Act*".

NOW THEREFORE, pursuant to Municipal Act, 2001, s. 284.3(b) I, Mayor Jeff Leal, hereby direct as follows:

1. That the lawyers in the City's Legal Services Division (City Lawyers) be authorized and directed to do such things considered advisable by them in consultation with the City Solicitor to oppose any proceeding to challenge the validity of By-laws 25-051 and 25-052 and that, for that purpose, City staff be authorized and directed to assist the City Lawyers as they may request.
2. That the City Lawyers report periodically to Council respecting any such proceeding.



Jeff Leal, Mayor