

# AIRD & BERLIS LLP

Barristers and Solicitors

Leo F. Longo  
Direct: 416.865.7778  
E-mail:llongo@airdberlis.com

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Our File No. 112062

VIA EMAIL: [regional.clerk@york.ca](mailto:regional.clerk@york.ca)

Chair and Committee Members  
Committee of the Whole  
The Regional Municipality of York  
17250 Yonge Street  
Newmarket, ON L3Y 6Z1

Attention: Denis Kelly, Regional Clerk

Dear Chair & Committee Members:

**Re: October 13, 2016 Meeting  
Agenda Item E.2.2  
Town of Georgina Official Plan 2016**

**Re: North Gwillimbury Forest Alliance**

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We are retained by the North Gwillimbury Forest Alliance.

Our client's Chair, Mr. Jack Gibbons, will be making an oral deputation respecting this matter. This letter is intended to complement his submission.

Our client's planning consultant, Mr. Anthony Usher, and I have reviewed the staff report respecting the new Georgina Official Plan; especially that portion of it dealing with Maple Lake Estates ("MLE"). We offer the following submissions to assist the Committee in its consideration of this particular aspect of the above-captioned matter. These comments rely on and are consistent with several more detailed submissions regarding the new Georgina Official Plan, made by Mr. Usher and me to the Town of Georgina over the last two years.

The staff report generally comments on a number of matters which we believe require greater clarification before Committee makes any decision regarding this proposed Official Plan as it applies to the MLE lands.

## What was Approved over 30 years Ago?

A very particular form of development was approved by way of the planning process [OMB hearing of an official plan amendment application followed by a Cabinet petition] then in effect at that time. Cabinet confirmed the OMB's approval of the official plan amendment in 1988. The development was restricted to that of a "self-contained recreational residential retirement community" intended to consist of 1,073 one storey manufactured dwellings [mobile homes] on land lease sites located on one single lot.

At the time of this original approval, the subject lands had not been identified or evaluated as provincially significant wetlands.

This historic approval ought not to be continued or recognized in light of what we now know to be the environmental attributes and significance of these lands.

### Approved Plan of Subdivision

What was approved on the MLE lands as a result of that official plan amendment was a two lot subdivision, consisting of a 2 acre lot and a 498 acre lot. The land lease community described above was to be located on this one large lot.

A provincially significant wetland covers 58% of this one large lot. When a 30 m buffer is added together with the wetlands, they cover over 80% of the subject lands. Significant woodlands also predominate over the subject lands.

### Transition Provisions

To our knowledge there is no relevant applicable transition provision which applies to “protect” the decades old MLE approval referred to above.

Other than what is noted below under the heading “Minutes of Settlement?”, your staff have not specified what transition policy applies or is being relied upon.

Here are matters Committee should be considering:

1) there is no transition policy respecting the Provincial Policy Statement 2014...and your decision on the new Georgina Official Plan must be consistent with the PPS 2014; see ss. 3(5) and 26(1)(c) of the *Planning Act*.

Policies 2.1.4 and 2.1.8 of the PPS explicitly provide:

“2.1.4 *Development and site alteration shall not be permitted in:*  
a) *significant wetlands* in Ecoregions 5E, 6E and 7E<sup>1</sup>; and  
b) *significant coastal wetlands*.

2.1.8 *Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.”*

2) there are no applicable or relevant transition policies in the York Region Official Plan (2010)... and your decision on the new Georgina Official Plan must be in conformity with your Regional OP; see ss. 27(1) of the *Planning Act*.

The Maple Lake Estates lands have a “Towns and Villages” designation in your OP, but those same lands are also shown in your OP as almost entirely consisting of both significant wetlands and woodlands. The environmental policies in your OP associated with those “overlay” designations clearly prohibit any development on approximately 90% of the MLE lands; see OP Maps 4 & 5 and policies 2.2.35-2.2.52.

3) while the MLE lands also have a “Towns and Villages” designation in the Greenbelt Plan, the transition policy 5.2.1 of that Plan does not apply to lands so designated, including MLE.

“Minutes of Settlement”?

The staff report suggests that the MLE lands have been transitioned “in the YROP-2010 as part of minutes of settlement associated with the development.”

No such Minutes of Settlement exist. Please ask staff to produce any signed and legally binding Minutes of Settlement respecting the MLE lands.

While MLE did file an appeal against your 2010 OP, and minutes of settlement were being drafted, our client sought to intervene at the OMB hearing respecting the MLE lands. Thereupon MLE unconditionally withdrew its appeal and withdrew from the hearing having not executed any Minutes of Settlement with the Region.

No transition settlement was ever concluded. The historic MLE approvals and lands are not mentioned in or otherwise covered by sections 8.4.17 – 8.4.22 of your Regional OP.

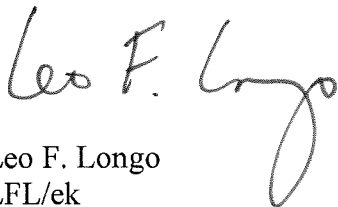
Conclusion

We respectfully submit that the portion of the modified Georgina OP that pertains to the MLE lands is not consistent with the PPS 2014 and does not conform with your Regional OP.

The Georgina OP should be further modified before it is approved to ensure that there is no development or site alteration of the significant wetlands and woodlands on the MLE lands.

Yours truly,

AIRD & BERLIS LLP



Leo F. Longo  
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