



North Gwillimbury Forest Alliance

October 17, 2017

BY EMAIL

Ms. Jocelyn McCauley
Clerk, Standing Committee on Social Policy
Room 1405, Whitney Block
Queen's Park
Toronto M7A 1A2

Dear Ms. McCauley:

Re: Bill 139

The North Gwillimbury Forest is one of the ten largest forests in Lake Simcoe's watershed, an expanse of 3,500 acres

In the 1980s the Town of Georgina gave permission for the 1,073 unit Maple Lake Estates development to be built on the Paradise Beach-Island Grove Wetland located in the North Gwillimbury Forest. The proposed development has remained dormant for 30 years.

In 2004 the Ministry of Natural Resources declared the Paradise Beach-Island Grove Wetland to be provincially significant. And as you know, the Provincial Policy Statement prohibits development on Provincially Significant Wetlands in southern Ontario.

Nevertheless, the DG Group has applied to the Lake Simcoe Region Conservation Authority (LSRCA) for a Section 28 permit to enable it to build a 1,073 unit subdivision on the Provincially Significant Wetland.

Unfortunately, the LSRCA is refusing to accept written or hear oral submissions from the public with respect to the DG Group's application, an application proposing to destroy the Paradise Beach-Island Grove Provincially Significant Wetland. According to the LSRCA, it will only consider submissions from the DG Group. We believe that the LSRCA's refusal to listen to the public on this important issue is contrary to the principles of procedural fairness and natural justice.

Furthermore, if the LSRCA approves the DG Group's application, the Act is clear that citizens are not allowed to appeal the LSRCA's decision to the Mining and Lands Commissioner, although the applicant can if the LSRCA rejects the application. Once again, we believe that this asymmetrical appeal process is contrary to the principles of procedural fairness and natural justice. If a developer can appeal a decision of a Conservation Authority to the Mining and Lands Commissioner, the public should also be allowed to do so.

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Our experience with this matter at the Lake Simcoe Region Conservation Authority illustrates several problems with the *Act* that we hope the Committee will address.

We are seeking your support for amendments to the *Act* or the regulations to achieve the following two objectives.

1. Oblige Conservation Authorities to consider public submissions with respect to, at least, major Section 28 applications.
2. Allow the public to appeal decisions with respect to, at least, major applications to the Mining and Lands Commissioner.

The North Gwillimbury Forest Alliance believes the above objectives could be achieved by the following actions:

First, incorporate in the new Section 28 regulation and if necessary the *Conservation Authorities Act*, provisions to define what is a "major"¹ application and to require the following for such an application:

- Notice of the complete application and at which Board meeting it will be considered, mailed to each owner within 120 metres of the subject lands, and posted on the Conservation Authority web site.
- Availability of the application materials for inspection at the Conservation Authority office and by posting on the Conservation Authority web site.
- Consideration of and decision on the application at an open Board meeting (no delegation of decision to staff).
- Availability of the staff report and any applicant responses for inspection at the Conservation Authority office and by posting on the Conservation Authority web site, once they have been provided to the Board.
- Provision for the public to make written submissions prior to the Board meeting, which would be circulated to the Board.
- Provision for the public to make oral submissions to the Board meeting, under reasonable conditions including reasonable time limits.

Second, amend Section 28 of the *Act* to allow citizens to appeal approval of, at least, major applications to the Mining and Lands Commissioner.

Respectfully submitted,


Jack Gibbons
Chair

¹ See NGFA planning consultant Anthony Usher's October 16, 2015 letter to Ms. Janet Holder, Ministry of Natural Resources and Forestry (attached) for a proposed definition of a "major" application.