

From: Clerks@vaughan.ca
To: [Adelina Bellisario](#)
Subject: FW: [External] Block 34E
Date: June-27-22 11:43:01 AM
Attachments: [June 2022 Block 34E.pdf](#)

From: IRENE FORD [REDACTED] >
Sent: Monday, June 27, 2022 11:42 AM
To: Clerks@vaughan.ca
Cc: Council@vaughan.ca
Subject: [External] Block 34E

Please add the attached communication to the applicable agenda items as indicated in my letter.

My formal requests are as follows:

- 1. Remove all references in staff reports that state the developments and 34E Block Plan is in consistent, conformity or supports the Provincial Policy Statement (PPS). The sole reason that a MZO was required was to declassify and destroy three small provincially significant wetlands, which is not consistent with the PPS (as explained below)**
- 2. Confirm who is responsible and how compensation strategies detailed in development approvals, endangered species benefit permits, TRCA permits or otherwise will be enforced and how habitat quality will be quantified?**
- 3. Explain how cumulative environmental, hydrological impacts are being evaluated when all projects appear to be proceeding in silos on the Oak Ridges Moraine (as explained below)?**
- 4. Provide an explanation that explains how development applications are being prioritized and approved ahead of infrastructure required from York Region and the City of Vaughan and why such applications are then allowing for the developers to ‘upfront’ the development charges at both the upper and lower tier levels?**

Thank you,
Irene Ford

Irene Ford
[REDACTED],
Woodbridge, ON [REDACTED],
June 27, 2022

Vaughan Council and Staff

RE: Block 34E and Provincially Significant Wetlands

I would first like to state that if Vaughan Council wanted any of these questions by staff answered they do not need a motion, they need only provide a recommendation to staff to review and respond, this seemed to be eclipsed by Mr. Xi, the Deputy City Manager of Planning and Growth responded that the responses to these questions are within his purview then refused to acknowledge that responses were within his purview and simply stated after being asked three times in three different ways that MZO's are provincial jurisdiction. This does not absolve the City of all responsibility on this Block and any due diligence to ensure that provincial legislation and regulations as well as approved City development applications are in compliance. Simply listing conditions of approval is not sufficient. There is ample evidence below that there is zero oversight on aspects of these development applications by all levels of government involved.

This letter is a written version of my deputation given at the City of Vaughan's June 21 Committee of the Whole Meeting it references the following agenda items¹.

- Staff Communication SC2: [Kirby Road Widening \(Jane to Dufferin\) Municipal Class Environmental Assessment Study – Notice of Completion, June 21, 2022 COW \(2\)](#)
- (6)12: APPLICATION FOR BLOCK PLAN APPROVAL FILE BL.34E.2014 – BLOCK 34 EAST LANDOWNERS GROUP INC.
- (6)15: LORWOOD HOLDINGS INC. ZONING BY-LAW AMENDMENT FILE Z.20.033 DRAFT PLAN OF SUBDIVISION FILE 19T-20V006 - 3180 TESTON ROAD VICINITY OF JANE STREET AND TESTON ROAD
- (6)14: FLEUR DE CAP DEVELOPMENT INC. & CUENCA DEVELOPMENT INC. ZONING BY-LAW AMENDMENT FILE Z.20.032 DRAFT PLAN OF SUBDIVISION FILE 19T-20V005 - 10980 JANE STREET VICINITY OF JANE STREET AND TESTON ROAD

My formal requests are as follows:

- 1. Remove all references in staff reports that state the developments and 34E Block Plan is in consistent, conformity or supports the Provincial Policy Statement (PPS). The sole reason that a MZO was required was to declassify and destroy three small provincially significant wetlands, which is not consistent with the PPS (as explained below)**

¹ <https://pub-vaughan.escrimemeetings.com/Meeting.aspx?Id=576b71a7-1957-4c50-a31d-9c3bc5086a57&Agenda=Agenda&lang=English>

- 2. Confirm who is responsible and how compensation strategies detailed in development approvals, endangered species benefit permits, TRCA permits or otherwise will be enforced and how habitat quality will be quantified?**
- 3. Explain how cumulative environmental, hydrological impacts are being evaluated when all projects appear to be proceeding in silos on the Oak Ridges Moraine (as explained below)?**
- 4. Provide an explanation that explains how development applications are being prioritized and approved ahead of infrastructure required from York Region and the City of Vaughan and why such applications are then allowing for the developers to ‘upfront’ the development charges at both the upper and lower tier levels?**

Why is there a Block Plan on today's agenda for Block 34E, what is left to be approved?

The Walmart warehouse is erected, the lands to the south have already been scraped, there are 2 MZO's², 1 MZO amendment, 3 redside dace endangered species benefits permits³ and York Region Council already approved the advancement of W/W and transportation improvements when they approved the Block 27 developer initiated request⁴. This request miraculously also advanced the servicing not only Block 34E but also Block 41 subject of yet another MZO endorsed and approved with an open LPAT, ahead of York Region w/w servicing infrastructure. Ever more curious was that Vaughan approved an interim servicing strategy in October, 2020 that provided interim servicing for these blocks ahead of the arrival of York Region infrastructure. The staff report as written appears to be an attempt to cross the “t’s” and dot the “i’s” on how infrastructure is and will be delivered to this site. Created by the premature endorsement of the MZO in the absence of staff or legal review at the lower tier and no Council, staff or legal review at the upper tier regional level.

This block is not compliant with the provincial policy statement as stated in not one but three staff reports. Headwaters were destroyed underneath where the Walmart now stands, destruction of one provincially significant wetland to permit 200 tractor trailer parking spots as well as 2 others on the developments to the south to facilitate the road network⁵. The very reason the MZO was needed was to destroy three small PSW and this is no consistent with the PPS refer to

² <https://www.ontario.ca/laws/regulation/200173>

³ 1) <https://ero.ontario.ca/notice/019-1069>

2) <https://ero.ontario.ca/notice/019-3724>

3) <https://ero.ontario.ca/notice/019-3656#location-details>

⁴ <https://yorkpublishing.escrimemeetings.com/Meeting.aspx?Id=c9ca8d5d-2c65-42d9-9dfa-0b937477e050&Agenda=PostMinutes&lang=English&Item=65&Tab=attachments>

⁵ Refer to Attachment 1 for more details.

Section 2.1.4⁶:

2.1.4 Development and site alteration shall not be permitted in:

- a) *significant wetlands in Ecoregions 5E, 6E and 7E¹; and*
- b) *significant coastal wetlands.*

A component of the Government of Ontario's Omni-bus Bill 257⁷ was brought forward by the Province in the first quarter of 2021 and included changes to the Planning Act to allow for MZO's to not be compliant with the PPS:

Schedule 3

Planning Act

The *Planning Act* is amended to provide that ministerial zoning orders made under section 47 are not required and are deemed to never have been required to be consistent with policy statements issued under subsection 3 (1). However, any part of such an order that applies to land in the Greenbelt Area is and always has been required to be consistent with a policy statement issued under subsection 3 (1).

It is quite plausible that the government of Ontario would have been found guilty of not complying with the PPS and the Planning Act had this legislation not been approved and applied retroactively⁸. ***It is abundantly evident that the government did this to absolve themselves of wrongdoing retroactively and to be allowed to destroy PSW, woodlots that are approved by MZO.*** Further it would bring into question if the Whereas clauses brought forward in the Mayor's Member's Resolution⁹ and endorsed by this Council were accurate, specifically:

Whereas, the proposed Employment Use is consistent with the policies of the Provincial Policy Statement 2014 and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019 by locating an Employment Use in a settlement area, in proximity to a major goods movement facility (Highway 400) and utilizes existing and planned infrastructure; and

In fact, in 2016 the Ontario government of the day told Vaughan Council and staff that not having a natural heritage network was not consistent with the PPS and we still do not have one¹⁰. It's left to LPAT, OMB, OLT hearings and the public never wins.

The deferral of the NHN into the VOP 2010 for several years is not consistent with the PPS and is contrary to s.3(5) of the *Planning Act*. We are also concerned that this proposal does not conform with the Region of York Official Plan, and that failing to identify applicable natural heritage features introduces uncertainty into planning and development in the City of Vaughan.

⁶ <https://files.ontario.ca/mmah-provincial-policy-statement-2020-accessible-final-en-2020-02-14.pdf>

⁷ <https://www.ola.org/en/legislative-business/bills/parliament-42/session-1/bill-257/status>

⁸ <https://www.cbc.ca/news/canada/toronto/ontario-doug-ford-mzo-pickering-duffins-creek-1.5937584>

⁹ <https://pub-vaughan.escrimemeetings.com/filestream.ashx?DocumentId=30449>

¹⁰ See Letter from the Government of Ontario pg. 8 of pdf:

https://www.vaughan.ca/council/minutes_agendas/AgendaItems/CW0202_16_15.pdf

Staff suggest that the TRCA, MNR and MECP staff endorsed the development and I would say this is a problematic statement. When I asked TRCA¹¹ about a letter in Vaughan's PlanIt on the Walmart Distribution Warehouse from the Planning Consultant to the landowner's regarding the status of TRCA responded in a way suggesting that the permits may not have been approved or as per the timelines as outline in letter (refer to Attachment 2). When I asked MNR staff in Spring of 2021 if they declassified the PSW they indicated that they never received an application from the landowner. Yet there is a letter in the PlanIt file from the Minister of MNR dated Dec, 2020 that states the PSW had been declassified (refer to Attachment 3). When I asked the federal fisheries department if they had been consulted about the destruction of fish habitat, they indicated that they received a request in Dec, 2020 and issued a Letter of Advice June, 2021¹². Construction, had already commenced, framing was already being erected. When I asked the MECP, TRCA who is responsible for ensuring the compensation features outlined in the endangered species benefit permits are complied with I am told by the TRCA they have nothing to do with the MECP permits, the MECP tells me they will investigation if they have reason to investigate¹³. Your staff report basically includes wording to absolve your staff of responsibility as well.

The City of Vaughan has enabled the destruction of 3 PSW which is inconsistent with the PPS but staff reports state that it is consistent, greenwashed that there will be compensation features, that the natural heritage features will be maintained but no level of government is responsible for overseeing any aspect of these compensation features nor any evaluation on the quality of what was replaced/compensated?

While your staff report clearly indicates that it does not include the are that is the subject of MZO 156/22¹⁴ it is clear from the MZO approval that he province intends to destroy more provincially significant wetlands and destroy the woodlot on this site based on [Map 252](#) that accompanies the approved MZO that only shows a tiny fraction of land adjacent to Highway 400 as being Open Space, Environmental Protection Zone (refer to Attachment 4). ***This Council knew that 30-40% of the lands are environmentally significant and were not reflected in what the developer was proposing and had over a year to rescind your endorsement of this MZO but you choose to do nothing. I sent a communication asking but it was not acted upon.***

The lack of disrespect for Vaughan's natural heritage on this block is staggering. It goes stems all the way back to Vaughan not approving it's [Natural Heritage Network](#) in 2015 when private landowners flocked to chambers demanding that you did not adopt and you did so to the disappointment and scolding of the [provincial government](#)^{15, 16} of the day as well as residents.

¹¹ Email between myself in TRCA, not provided.

¹² Email between myself and the DFO, nor provided.

¹³ Various Emails between myself TRCA, MECP, nor provided.

¹⁴ <https://www.ontario.ca/laws/regulation/220156>

¹⁵ <https://www.thestar.com/news/gta/2016/05/09/vaughan-blasted-for-troubling-environment-record.html>

¹⁶ See Letter from the Government of Ontario pg. 8 of pdf:

https://www.vaughan.ca/council/minutes_agendas/AgendaItems/CW0202_16_15.pdf

Why are Blocks that don't have servicing prioritized, continually on the agenda yet we can't even the Weston and Highway 7 Servicing Plan approved where servicing exists? Now there is this huge push along Steeles next to subway stations or proposed subway stations as is the case for the Transit Orientated Communities and recently approved EMZOs. I support development here, that is transit supportive but it remains unclear to me if what is proposed and the scale of development is realistic or plausible. In the case of the VMC we have residents coming and huge pieces are missing they don't have a grocery store yet, a Walmart but the closest grocery store is Fortino's across the Highway 400 over pass. It boggles my mind how in an area the City is boosting to be pedestrian friendly and transit orientated there is no sidewalk north of Hwy 7 along Jane St to Portage Way. A dirt path is developing on the east side of Jane from pedestrians. The reality is people still need the cars because the servicing and infrastructure is not there. Congratulations on opening the YMCA, a major achievement but how can things like grocery stores and sidewalks be over looked?

I fail to understand the prioritization of development, how, what and where development is being prioritized. The only rhyme or reason I see are connections to the same names and numbered companies. Review of [Block 34E landownership](#)¹⁷ would substantiate this observation.

How many separate EA's does York Region and/or lower tier municipalities have ongoing in the same area in Vaughan on the Oak Ridges Moraine in an area that is considered an ANSI?

- 1) [York Region is conducting an EA to extend Teston.](#)
- 2) Vaughan conducted an EA to extend Kirby Rd from Dufferin to Bathurst
- 3) Staff Communication S2 is announcing completion of EA to widen Kirby Rd (see above link)
- 4) Jane St, from Teston to King Vaughan Rd requires an EA for expansion according to the [Block 27 staff report](#) that advanced w/w and some transportation infrastructure approved by York Region Council (refer to pg. 4 stating \$1M for EA)

Why are the EAs being conducted in such a piecemeal manner? Is this compliant with the provincial EAA? The City and York Region appear anything but transparent about their plans for this when EAs are conducted in this manner. Especially when the Kirby and Teston Rd extensions cross the ORM and on or near large ANSI areas. On top of this both York Region and Vaughan Council have had closed meeting about the controversial Rimzi developments stemming from a 2015 Minister's Order that to my understanding the landowner has been taken an overly generous interpretation. The same landowner who got caught conducting a [superficial EA](#) on the Vaughan's taxpayer dime and conspiring with the Ford government to open up more of the Oak Ridges Moraine.

Finding the Kirby Rd expansion added as a staff communication on Vaughan's agenda and not listed on the agenda as a separate item only compounds the sentiment that there is no transparency or public accountability and the Vaughan Council is ruthlessly trying to develop the last little bit of land on the Oak Ridges Moraine.

¹⁷ <https://www.vaughan.ca/business/invest/General%20Documents/26.%20Teston%20East.pdf>

It appears the City and Region of York are quite literally paving the way for the 2 MZO's approved on Block 34E that will bring heavy trailer traffic to the area that very much need the surrounding roads upgraded. MZO's endorsed and approved by Minister Clark ahead of infrastructure and apparently EAs. Even in the absence of MZO's I do not understand how the developments for Block 34E identified in the Block 34E Block Plan were so far along in the planning process when the York Region infrastructure required to service these developments was not planned for at least another decade. On top of this the Environmental Assessment to determine servicing for this area was ongoing while Vaughan was reviewing development applications.

However, since York Region is busy approving their draft 2051 Official Plan and making precedent setting decisions to expand the urban boundary into the countryside designation it's clear the City nor York Region care about cumulative impacts and protection within settlement areas or anywhere on the ORM, nor the hydrological significance that comes with this designation.

This area likely exemplifies (yes on/near a closed landfill but still ORM and ANSI) why Mayor Lovatt's motion at York Region should not be supported the development just continues to bleed and expand ever further if we have no hard boundaries and politicians who do not see the Greenbelt and Oak Ridges Moraine as off-limits, or refuse to acknowledge or who do not understand why the Greenbelt/ORM are integral to the health, quality of life as well as the protection and viability of farmland, source water and stormwater protection for of our existing and future communities, especially in a world faced with a changing climate it will always be open for development at the expense of these public goods.

I cannot emphasize enough this isn't about NOT developing it's about where, how and whom development is being approved, advanced and prioritized for. It's about how private interests that clearly have vested pecuniary interests continue to be prioritized through member's motions or brought forward on staff agendas at both the lower and upper tier.

Death by 1000 cuts to the Greenbelt and ORM ensues.

Thank you,
Irene Ford

Attachment 1 - Block 34 East Developments, Natural Heritage, M20 and 400

Block 34 East

FOR DISCUSSION PURPOSES ONLY

NOTE: CONCEPTUAL ROADS ULTIMATE ROAD ALIGNMENT SUBJECT TO UPDATED BLOCK PLAN AND/OR INDIVIDUAL PLANNING ACT APPLICATIONS BY THE AFFECTED OWNERS, TO THE SATISFACTION OF THE CITY OF VAUGHAN

Limits of Environmental Features To Be Determined

Land Uses As Shown In Secondary Plan

HIGHWAY 400

JANE STREET

TESTON ROAD

LEGEND

PARTICIPATING LANDOWNERS
NON-PARTICIPATING LANDOWNERS
COORDINATING LANDOWNER

WETLANDS + 30m BUFFER
STAKED TOP OF BANK + 10m BUFFER
REGULATORY FLOODLINE
PROPOSED WETLAND REMOVAL

PROPOSED NHS LIMIT
EXISTING VALLEY
UPLAND ENHANCEMENT AREA
COMPENSATION AREA
HOR COMPENSATION AREA

ROADS
PROPOSED LOCATION OF PUMPING STATION
TRANS-CANADA PIPELINE

MIXED USE AREA EMPLOYMENT/COMMERCIAL
COMMERCIAL SERVICE NODE
STORMWATER MANAGEMENT FACILITY
GENERAL EMPLOYMENT
PRESTIGE EMPLOYMENT
EMPLOYMENT AREA ACTIVITY CENTRE
GTA WEST TRANSPORTATION CORRIDOR PROTECTION AREA

1 M20 Endorsed by Vaughan Council Oct 23/20
Never Approved by Minister Clark - Cortel & Partners

2 M20 173/20 approves PSW declassification

3 11110 Jane St. Walmart Warehouses

4 619-3124 - 0.57 wetland

5 019-3656 - 0.13 Ha wetland
135m HW Drainage

6 019-1069 - 0.58 Ha wetland
- 896m HW Drainage

1 Supposed to be 'future' road but need for enter/exit

2 H.W Drainage Feature Walmart on top of or will be paved.

Block 34 - East of 400

KLM PLANNING PARTNERS INC. Planning • Design • Development

SCALE 1:3000 DECEMBER 3, 2010

May 25, 2021

Our File: 4749

Condor Properties

1500 Highway 7,
Concord, ON
L4K 5Y4



SCHAEFFERS
CONSULTING ENGINEERS

6 Ronrose Drive, Concord, Ontario L4K 4R3
Tel: (905) 738-6100 Fax: (905) 738-6875
Tor. Line: (416) 213-5500 E-mail: general@schaeffers.com

Attn: Mr. Sam Morra

**RE: TRCA Permit Applications Status –Fenmarcon Developments Inc.-1110 Jane Street –
Block 34E, City of Vaughan**

Dear Mr. Morra,

Please find below the TRCA permit applications status (required/applied) to support the above-captioned project. The following memorandum has been prepared in consultation with Savanta Inc. and consolidates the permit applications required.

The proposed employment development subdivision consists of a public right-of-way that services the three Blocks. Block 1 refers to the proposed Warehouse Distribution Centre Site Plan. The spine road and services proposed to the south as part of the Block 34E Phase 1 development are required to service the Warehouse Distribution Centre Site plan. Therefore, separate applications were made to the TRCA in support of the spine services.

For ease of review, the required TRCA permit applications have been divided into the site-specific applications made for the Warehouse Distribution centre, subdivision application, and the spine service application.

1. Warehouse Distribution Centre (Block 1- 11110 Jane Street) - Site-Specific Applications:

- a) **Permit for Preliminary Grading**
Application and Permit issued for the entire subdivision (See 2a below)
- b) **Permit for Topsoil Stripping**
Application and Permit issued for the entire subdivision (See 2b below)
- c) **Final Grading, Servicing and Wetland Creation Permit (including outfalls)**
Application package was submitted on May 10, 2021, to TRCA

2. Fenmarcon Developments Inc. - 11110 Jane Street - Subdivision Applications

Please note that currently, only a portion of Block 1 in the proposed subdivision is in the TRCA regulatory area; therefore, additional permits are not required for works within the subdivision apart from the 1c mentioned above for Block 1.

SCHAEFFER & ASSOCIATES LTD.

a) **Permit for Preliminary Grading**

Permit Application: CFN 63203
Permit Number: C-200489
Status: Approved
Period: July 2, 2020 – July 1, 2022

b) **Permit for Topsoil Stripping**

Permit Application: CFN 62037
Permit Number: C-191014
Status: Approved
Period: October 4, 2019 – October 3, 2021

3. Block 34E Spine Services, SWM Ponds, Bridge, CWC Outfalls and Wetland Removal and Construction:

a) **Permit for Topsoil Stripping and Rough Grading of the Spine Road**

Permit Application: CFN 63914
Status: In progress – Approval from TRCA expected shortly

b) **Permit for Construction of Proposed Wetland 2 and Wetland 3 and Relocation of existing Wetlands 174, 181 and 182 (CFN 63915)**

Permit Application: CFN 63915
Status: In progress – Approval from TRCA expected shortly

c) **Permit Application for Final Grading and Servicing Permit (including the removal of wetlands within Fluer De Cap Development, removal of HDF feature within Fluer De Cap Development, construction of proposed wetlands 1 and 4, bridge, outfalls for Cleanwater Collector Systems, SWM Pond 3 and SWM Pond 4)**

Application package was submitted on May 21, 2021 to TRCA

4. Additional permits:

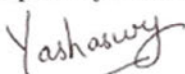
In addition to the above, the following permits are required:

a) **Proposed Trail/ Restoration works within the Regulated Area**

An application package will be prepared and submitted by Savanta Inc. and MBTW

We hope you find above information satisfactory. Should you have any questions or comments, please do not hesitate to contact our office.

Respectfully Submitted,



Yashaswy Gollamudi, B.Sc.
Water Resources Analyst



Koryun Shahbikian, LL.M., M.Eng., P.Eng.,
Partner



Attachment 3: Letter from Minister MNRF to CAO TRCA Declassifying PSW

From: MIN Feedback (MNRF) <minister.mnrf@ontario.ca>

Sent: Tuesday, December 8, 2020 3:49 PM

To: John MacKenzie <John.MacKenzie@trca.ca>

Subject: Message from the Honourable John Yakabuski, Minister of Natural Resources and Forestry

Ministry of Natural
Resources and Forestry

Office of the Minister

Room 6630, Whitney Block
99 Wellesley Street West
Toronto ON M7A 1W3
Tel: 416-314-2301

Ministère des Richesses
naturelles et des Forêts

Bureau du ministre

Édifice Whitney, bureau 6630
99, rue Wellesley Ouest
Toronto (Ontario) M7A 1W3
Tél.: 416-314-2301



354-2020-2374

December 8, 2020

Mr. John MacKenzie
Chief Executive Officer
Toronto and Region Conservation Authority
john.mackenzie@trca.ca

Dear Mr. MacKenzie:

It is our understanding that the City of Vaughan is supportive of the proposed development that would establish a state of the art distribution centre that aligns with City of Vaughan interests, is in close proximity to Highway 400 and existing transit hubs, and has the potential to bring thousands of skilled employment opportunities to Ontario.

Through my Ministry's review of the development proposal, three wetlands on the subject property have been noted. We understand that you have reviewed and supported a report from the developer's environmental consultant where they indicate the wetlands are in a degraded state, and their quality and ecological functions are likely to continue to decline as a result of local agricultural practices and their proximity to/expansion of Highway 400. Based on this assessment, the ministry is reclassifying the subject wetlands.

We understand that in an effort to maximize the benefits of the site, a comprehensive wetland restoration project that will retain, expand and enhance the long-term ecological functions of wetlands has been proposed in partnership with your organization and the City of Vaughan. The Toronto and Region Conservation Authority is well-positioned to design and implement a plan to provide a net positive outcome with respect to wetland functions in the City of Vaughan.

Based on discussions between yourselves, the City of Vaughan and the proponent, it is possible to realize the economic development opportunity of locating the proposed distribution centre in the City of Vaughan, while also achieving an overall net positive

environmental outcome by contributing to wetland features, functions, and long-term sustainability. This win-win approach would balance the development for the region and the important natural landscape.

Our government continues to investigate ways to ensure this delicate relationship between important economic prosperity for the province and our desire to maintain and grow a healthy and sustainable environment is a top priority.

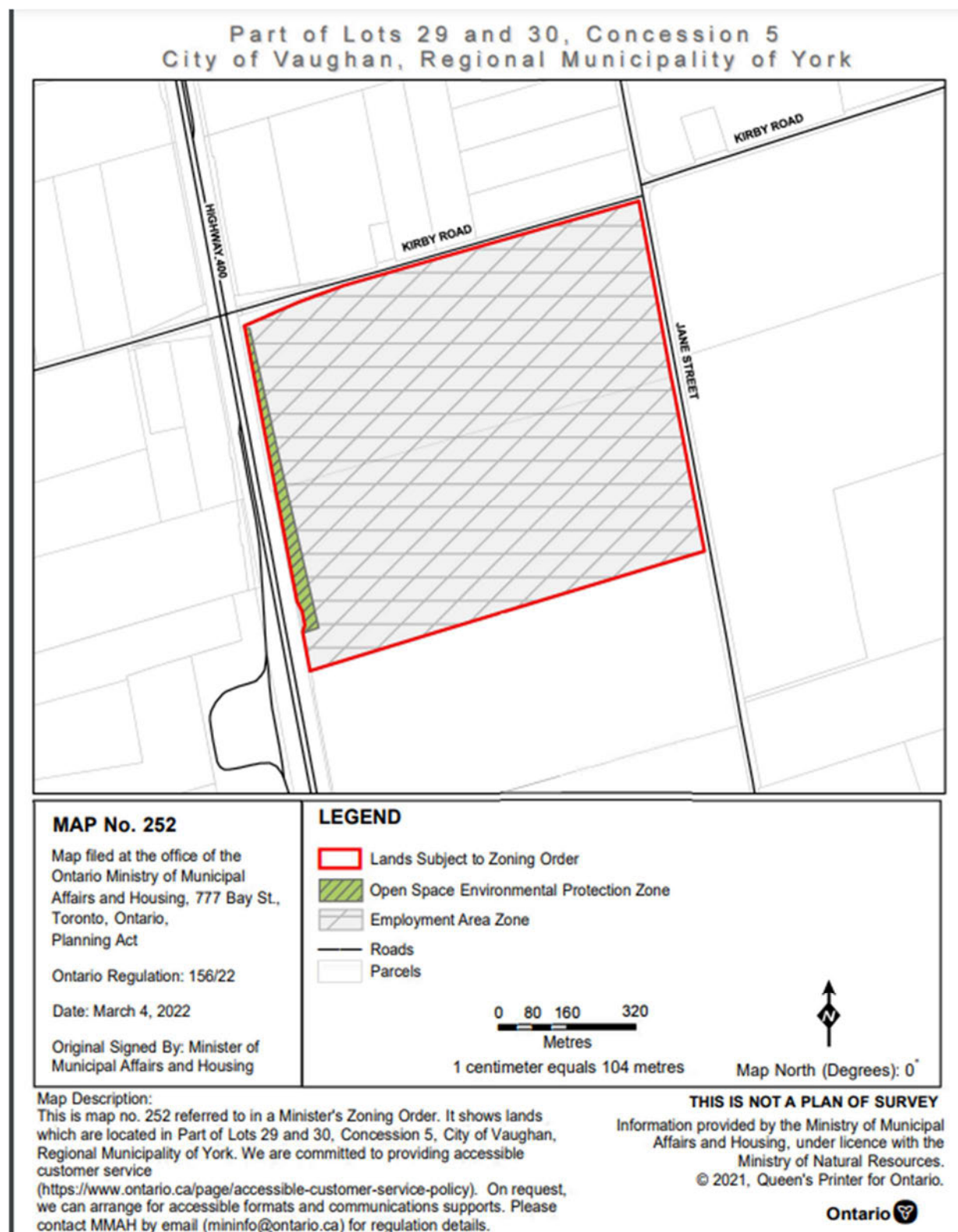
We look forward to continuing to work with you on important projects like this.

Sincerely,

John Yakabuski
Minister of Natural Resources and Forestry

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Attachment 5: Ontario Natural Heritage Network Map With MZO's, PSW & Woodlots

