

C10
COMMUNICATION
COUNCIL – May 16, 2023
CW (2) - Report No. 23, Item 5 &
CW (CS) - Report No. 24, Item 4

From: Clerks@vaughan.ca
To: [Adelina Bellisario](mailto:Adelina.Bellisario)
Subject: FW: [External] Rainbow Creek Proposal & 11641 DUFFERIN STREET AND 11490 BATHURST STREET FILE OP.58.89
Date: May-10-23 9:42:54 AM

From: IRENE FORD [REDACTED]
Sent: Tuesday, May 09, 2023 2:47 PM
To: Council@vaughan.ca; Clerks@vaughan.ca
Cc: Integrity Commissioner <Integrity.Commissioner@vaughan.ca>
Subject: [External] Rainbow Creek Proposal & 11641 DUFFERIN STREET AND 11490 BATHURST STREET FILE OP.58.89

Council and Staff,

I would like to correct Regional Councillor Jackson's inference that these files from the 90's are not important. Until the damage occurred during the construction of the Highway 427 extension these decisions from 30 years were in effect which protected these lands under the test of Conservation under S. 28 of the CAA. It was only in the last decade that these decisions that have been upheld by the TRCA, tribunals and the courts were rendered mute when the MTO damaged the natural heritage when Highway 427 was extended. Regional Councillor Jackson is also our representative for the TRCA Board so she could have spoke about this file instead of being dismissive that the files are over 30 years old when Regional Councillor Racco attempted to give staff an opportunity to comment on my deputation.

It was inappropriate of Regional Councillor Jackson as Chair to voice her opinion on this file, especially since she is also a representative on the TRCA Board. If she wanted to speak she should have passed over the role of Chair and asked to speak. Instead of permitting staff to comment immediately she voiced her opinion that it was a TRCA matter. This is untrue there are multiple servicing discrepancies, plus the cul-de-sac appears to be built which is the only thing the Transportation is concerned about. Staff did speak and the only thing staff disputed was the traffic study would be dealt with at site plan approval. None of the other issues that I spoke to some of which are Vaughan Council matters. This should speak volumes to Council and be concerning.

Given the reduced authority of TRCA I would argue what is happening here is of increased important to Vaughan Council.

Further this evening I hope Regional Councillor Jackson views on the irrelevance of 30 year old planning files remains steadfast when the update and discussion occurs on this confidential agenda [item](#).

ONTARIO LAND TRIBUNAL APPEAL OLT CASE NO. OLT-23-000254 LUCIA MILANI AND LUCIA MILANI IN TRUST 11641 DUFFERIN STREET AND 11490 BATHURST STREET FILE OP.58.89

That certainly did not seem the case when she brought forward the 11th hour motion to include these lands w/in York Region Official Plan for approval by Minister Clark. They were not included in the approval to my knowledge. I fail to understand how an application for an OPA submitted in 1989 has had a tribunal appeal submitted and accepted as of Feb, 2023 - 34 years later. Especially on land that appears to contain ORM natural core and natural linkage areas. If the lands have been transitioned under the ORM that is certainly not clear to the public because there has been no public consultation nor any release of information to the public. With the exception of the motion referenced above and the confidential recommendations (March, 2022) of the former Council. Who recommended staff execute an agreement that was not in provincial conformity nor did they have the authority to execute so they also asked for a second Minister's Order on the Oak Ridges Moraine.

Rainbow Creek TRCA Links for you interest:

Oct, 2020 - <https://pub-trca.escribemeetings.com/Meeting.aspx?Id=cc33473f-fef3-4e4e-8801-568d034bcb1e&Agenda=Merged&lang=English&Item=40&Tab=attachments>

AND WHEREAS the decision by the Appeal Court solidified the “case law” that has been established in relation to the “conservation of land” test pursuant to Section 28 of the Conservation Authorities (CA) Act and that decision is a seminal decision;

AND WHEREAS subsequent to these decisions, in 2014 the western portion of the subject lands were expropriated by the Ministry of Transportation (MTO) to allow for the construction of the Highway 427 extension, following completion of the Environmental Assessment (EA) in 2010 that considered environmental impacts;

AND WHEREAS construction of the Highway 427 extension permanently altered the nature of portions of natural heritage features on the subject lands;

Nov 2021 -

<https://pub-trca.escribemeetings.com/filestream.ashx?DocumentId=7925>

"In particular, the subject lands and the associated natural features were impacted by the construction of the Highway 427 extension, a portion of which was expropriated by the Ministry of Transportation (MTO). Also, the valley corridor historically had greater flows. Due to significant development in the surrounding landscape since the initial TRCA Fill Permit Application was submitted, the feature no longer has significant flows."