

**C18**  
**COMMUNICATION**  
**COUNCIL – September 26, 2023**  
**CW (1) - Report No. 31, Item 2**



September 25, 2023

*Via email to: [clerks@vaughan.ca](mailto:clerks@vaughan.ca)*

Councillor Linda Jackson  
City of Vaughan  
Office of the City Clerk  
2141 Major Mackenzie Drive  
Vaughan, ON L6A 1T1

Dear Councillor,

**Re: Statements made to Committee of the Whole, September 12, 2023**  
**RE: Zoning By-law Amendments Z.22.029; Z.22.030; Z.22.031; Z.22.032**  
**Draft Plan of Subdivision File Nos.: 19T-22V006 – 11363 and 11191**

Donnelly Law (“we” or the “Firm”) represents the Friends to Conserve Kleinburg Inc. (“FTCK”) and Humberplex Developments Inc. (“Humberplex”) (together our “Clients”) regarding the proposed Block 55 West Block Plan and development at Kirby Road and Regional Road 27 (the “Block Plan 55”).

As you are aware, our firm made both written and oral submissions at the September 12, 2023 Committee of the Whole (“COW”) meeting.

We write Vaughan Council (“Council”) to advise you of several egregious errors you made in addressing our client’s submissions. In addition, my client is seeking a retraction from you concerning certain wildly ill-informed statements you made concerning the On the Boulevard development.

First, and foremost, you were completely wrong when you stated that land is not coming out of the Greenbelt to facilitate development. Staff is very well aware that 0.8 ha (the size of a CFL football field) is coming out for the redevelopment on this project. The Premier stated on September 21, 2023 that taking land out of the Greenbelt is a mistake. In addition, the development requires the installation of a massive 1.05 ha stormwater management pond in the Humber River Valley, which is prohibited by the Greenbelt Plan.

Second, in addressing Mr. Calderaro's comments regarding water pressure, Councillor Jackson you are either seriously misinformed by Staff, or you were being disingenuous. You stated that the reason the residents of On the Boulevard sub-division have low water pressure is that the "pipes are too small" leading to the homes, per the inspection by City Staff.

This statement is categorically false. The houses were build to the Building Code Standards. There is no proof or evidence whatsoever for making this bizarre statement. Please provide proof immediately, for example a copy of the City Inspector's report, or apologize for saying something so ignorant of the facts.

Third, you incorrectly stated that the On the Boulevard sub-division somehow failed to respect the requirements of OP601 by failing to buffer the Copper Creek Golf Course. This is a requirement when two residential subdivisions are adjacent to each other. This was not required or applied to On the Boulevard lands because it was abutting an operational golf course and not a residential development.

Fourth, you stated as fact that the On the Boulevard also had approved a stormwater management pond in the Greenbelt. That is false, On the Boulevard received Draft Plan approval in February 2003, several years prior to the Greenbelt being established in 2005. Also, the types of stormwater facilities are radically different. What is being proposed at Copper Creek is significantly more invasive and intrusive than the On the Boulevard "dry ponds" attenuation system, which are significantly more environmentally sustainable.

Fifth, Council and Staff continue to misconstrue and prevaricate concerning Vaughan's request for a regulation to shut out residents from a fair hearing under the Local Planning Appeal Tribunal Act, which resulted in O/Reg. 382/19. That Regulation deprived my client of a fair hearing.

Please find attached correspondence dated January 25, 2023 relating to Mr. Simmonds (former Vaughan Interim City Manager) writing to the Attorney General (the "AG") on September 27, 2019, without Council authorization. Mr Simmonds asked the Attorney General to change the Rules of *Planning Act* appeals, but change the Rules for residents only!

Ten days later, on October 7, 2019, Staff then sought authorization of Council to write a letter after that letter had already been sent to the AG.

At page 40 of 42 of the Staff Report pdf, you will find the Staff Report dated October 7, 2019. Staff was untruthful with Council. Specifically, Staff wrote in the report:

*It is staff's view that to protect Council's planning decisions, appeals commenced under one set of Rules should be completed under the same set of Rules.*

This is untrue. Mr. Simmonds wrote the AG seeking changes to the Rules for “third party” appeals only, those are residents’ appeals – not developer appeals. The City of Vaughan did not seek the same Rules changes, which were highly prejudicial, for Applicant (developer) appeals. The AG subsequently complied with the request by adopting O/Reg 382/19, harming the rights and interests of Vaughan residents.

Based on the September 12, 2023 COW meeting, Staff’s responses to my questions (past and present), my clients believe Staff and Council are covering up what happened - as this matter has been explicitly raised with Staff and Council before.

In addition, Staff must have been fully briefed on this matter many times, as it is the subject of highly controversial litigation (the Judicial Review) that has been ongoing for several years. It defies credulity to believe that Staff is not intimately familiar with the details of this exceptionally troublesome breach of public trust.

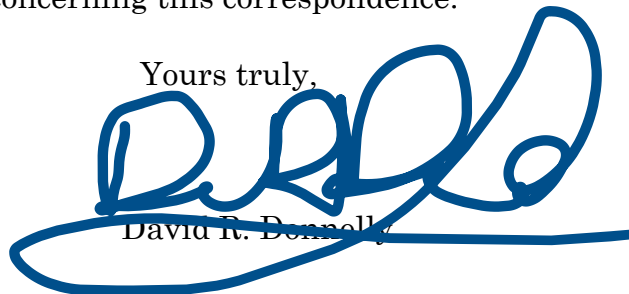
I am also enclosing a letter I sent to Council on January 16, 2023, where at page 8 of 9, our firm clearly set out the problems with Mr. Simmonds’ unauthorized letter, and includes our previous request for an investigation. Bizarrely, that request has gone unanswered for almost one full year.

In conclusion, Councillor Jackson, you have made several significant and consequential errors in your public statements about my client’s development. You have made several bizarre statements concerning this development in the past, demonstrating an unusually strident enthusiasm for a simple, low-density, car oriented sub-division. Can you point to a single voter in the City of Vaughan that wants to see the Greenbelt treated that way? Your comments relating to this specific sub-division are more than curious, your mis-placed disdain is unwarranted and discourteous to the residents.

In the future, please govern yourself responsibly when addressing my client’s development, rights and interests. Please respond to this request for evidence at your earlier convenience.

Please contact me at 416-572-0464, or by e-mail to [david@donnellylaw.ca](mailto:david@donnellylaw.ca), should you have any questions concerning this correspondence.

Yours truly,



David R. Donnelly

cc. Clients

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