



**COUNCIL MEETING – JUNE 12, 2019  
COMMUNICATIONS**

**Distributed June 7, 2019**

		<b><u>Rpt. No.</u></b>	<b><u>Item No.</u></b>	<b><u>Committee</u></b>
C1	Director of Economic and Cultural Development, dated May 27, 2019	20	29	Committee of the Whole
C2	Integrity Commissioner and Lobbyist Registrar	20	35	Committee of the Whole
C3	Mr. Tony Genco, dated June 5, 2019	20	27	Committee of the Whole

**Distributed June 10, 2019**

C4	City Clerk, dated June 10, 2019	23	3	Committee of the Whole (Working Session)
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**Distributed June 12, 2019**

C5	David R. Donnelly, Donnelly Law Barrister & Solicitor, dated June 12, 2019	20	2 & 4	Committee of the Whole
C6	David R. Donnelly, Donnelly Law Barrister & Solicitor, dated June 12, 2019	20	5	Committee of the Whole

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**Please note there may be further Communications.**



C <u>1</u>
Communication
COUNCIL: <u>Jun 12/19</u>
<u>CW</u> Rpt. No. <u>20</u> Item <u>29</u>

**DATE:** MAY 27, 2019

**TO:** MAYOR MAURIZIO BEVILACQUA AND MEMBERS OF COUNCIL

**FROM:** DENNIS CUTAJAR, DIRECTOR OF ECONOMIC AND CULTURAL DEVELOPMENT

**RE:** REPORT NO. 20 ITEM NO. 29 COMMITTEE OF THE WHOLE – JUNE 4, 2019  
CORPORATE PROMOTIONAL ITEMS POLICY 02.C.03

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**Purpose**

To replace Attachment 1 – Corporate Promotional Items Policy 02.C.03 in Report No. 20 Item No. 29 of Committee of the Whole on June 4, 2019.

**Recommendation**

1. That Attachment 1 - Policy 02.C.03 in the report of the Interim City Manager dated June 4, 2019 be replaced with the attached revised version.

**Background**

Attachment 1 - Policy 02.C.03 in the report of the Interim City Manager dated June 4, 2019 contains minor tracked staff comments. The purpose of this Memorandum is to replace Attachment 1 with the attached clean (untracked) version. No content changes have been made to the published version of this Policy.

**Conclusion**

The development and adoption of the attached Policy provides guidance on the value of gifts from dignitary levels, to business and community presentations. Furthermore, it articulates a level of service that reflects mindfulness and respect for taxpayer dollars.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Dennis Cutajar'.

Dennis Cutajar  
Director of Economic and Cultural Development

Attachment 1: Corporate Promotional Items Policy 02.C.03



## CITY OF VAUGHAN

## CORPORATE POLICY

POLICY TITLE: CORPORATE PROMOTIONAL ITEMS

POLICY NO.: 02.C.03

<b>Section:</b>	Accountability & Transparency		
<b>Effective Date:</b>	June 4, 2019	<b>Date of Last Review:</b>	Click or tap to enter a date.
<b>Approval Authority:</b>	<b>Policy Owner:</b>		
Council	Chief Corporate Initiatives & Intergovernmental Relations		

<b>POLICY STATEMENT</b>
A Policy guiding the acquisition and distribution of the City's Corporate Promotional Items supports a results-driven approach to relationship-building; corporate image; city-building; and economic, tourism, arts and cultural development.
<b>PURPOSE</b>
The City will use this Policy to guide its response to requests for Corporate Promotional Items by Council, external organizations, the General Public and staff in a manner that promotes accountability, transparency and fairness while enhancing the City image, and community pride.
<b>SCOPE</b>
This Policy applies to the Head of Council, Councillors, and City employees involved in the approval, acquisition, fulfillment and management of existing and future corporate promotional items. Purchases made by Councillors or Departments for their personal or operational uses (such as, public education awareness of City services) are outside the scope of this Policy. Gifts obtained through donation or sponsorship are out of scope of this Policy. The ceremonial Key to the City is outside the scope of this Policy.
<b>LEGISLATIVE REQUIREMENTS</b>
None.
<b>DEFINITIONS</b>
1. <b>City:</b> The Corporation of the City of Vaughan.

**POLICY TITLE: CORPORATE PROMOTIONAL ITEMS**

**POLICY NO.: 02.C.03**

2. **Corporate Promotional Items:** City-owned branded and unbranded merchandise purchased in bulk or small quantity by the City, including general merchandise and dignitary gift items.
3. **Councillor:** Elected representative of Vaughan City Council, and their respective office.
4. **Department:** A City administrative unit described in the City's organizational structure.
5. **Dignitary:** High-ranking representative(s) of a Canadian and/or foreign business, government, non-government organization, and/or cultural institution visiting the City; or, that may be visited by representatives of the City in an official capacity, such as: an outbound delegation, special ceremonies of local business and community organizations (e.g., grand opening, milestones, and other similar events), or other related City events and activities.
6. **ECD:** Economic and Cultural Development Department.
7. **Employees:** All employees of the City.
8. **External Organization:** Entities external to the City with an identified common economic and/or cultural interest with the City and may include municipal and senior government (including their domestic and foreign agencies), non-government organizations (NGO), industry associations, business associations, boards of trade, chambers of commerce, not-for-profit agencies, boards and commissions, MP and MPP offices, or other community and industry-based not-for-profit entities.
9. **General Public:** An individual(s) or organization(s) that do not have a common economic or cultural interest with the City and is not considered an External Organization.
10. **Head of Council:** Mayor of the City.
11. **Vendor:** Suppliers of Corporate Promotional Items.

**POLICY**

A formal policy to govern requests for Corporate Promotional Items invites transparency, fairness and efficiency in considering and fulfilling these requests, with an emphasis on developing relationships that further economic prosperity, social and/or cultural opportunities in the City.

**POLICY TITLE: CORPORATE PROMOTIONAL ITEMS**

**POLICY NO.: 02.C.03**

### **1. Corporate Promotional Items**

- 1.1. Should promote a positive corporate image.
- 1.2. Quality goods shall be purchased at a cost that provides the best value for the City and following the Corporate Procurement Policy.
- 1.3. The selection of new Corporate Promotional Items shall be approved by the Mayor or the City Manager (or designate) on an annual or as-needed basis depending on stock levels, budget availability and custom requests.
- 1.4. Distribution should reflect a level of fairness amongst external organizations.
- 1.5. Requests for Corporate Promotional Items shall comply with the Corporate Promotional Items Procedures PRC.09.

### **2. Dignitary Gifts – Head of Council**

- 2.1. ECD may purchase non-bulk or customized dignitary gifts on behalf of the Mayor as Head of Council.
- 2.2. Dignitary gifts shall not exceed a nominal per unit cost as stated in the Corporate Promotional Items Procedure
- 2.3. Dignitary gifts shall be presented by the Mayor, except:
  - 2.3.1. In the Mayor's absence, a designated Councillor, or designated members of the Corporate Management Team (CMT) or Senior Management Team (SMT) may present a dignitary gift.
  - 2.3.2. In extraordinary situations when CMT or SMT staff meet with a dignitary in the absence of the Mayor, or a Councillor, and a gift exchange occurs, senior City staff (i.e. CMT or SMT member) may present a dignitary gift from the Corporate Promotional Items inventory. The Mayor's Office shall be advised about the presented dignitary gift and the name of the dignitary, to avoid future duplication.

### **3. Business Gifts**

- 3.1. The Mayor, Councillors or City staff engage in routine visits to Vaughan-based businesses as part of the City's economic development and community promotion mandate. For these types of business visitations, a City information kit may be

**POLICY TITLE: CORPORATE PROMOTIONAL ITEMS**

**POLICY NO.: 02.C.03**

presented at each meeting, including a City pin, and a City pen or equivalent stock sourced from the Corporate Promotional Items inventory.

#### **4. General Public Sales**

4.1 Corporate Promotional Items are available for sale to the General Public. An order form is required to be completed, and payment shall be made by the customer at a point-of-sale location in the Civic Centre, including the Cashiers.

4.2 General Public sales are final sale, unless items are deemed defective.

#### **5. External Organization Requests**

5.1. Giveaway requests from External Organizations are to be received by the ECD by way of a completed Giveaway Request Form.

5.2. Giveaway items shall be capped to a nominal number of units per organization, on an annual basis.

5.3. Giveaway items may include:

- Pins
- Pencils

#### **6. Accountability/Financial Responsibility**

6.1. ECD shall conduct a physical inventory count on a semi-annual (June 30) and annual basis (December 23).

6.2. Pursuant to applicable City by-laws, policy and procedures, ECD shall write-off at year-end, and then donate, auction, recycle or dispose of Corporate Promotional Items that are deemed obsolete by the Department Head and Chief of the Portfolio.

6.3. The value of Corporate Promotional Items is not deemed to be material under general accounting principles and shall not require reporting to the Finance Department.

6.4. Expenses related to Corporate Promotional Items are funded by the Council-approved annual Economic and Cultural Development Budget.

#### **ADMINISTRATION**

*Administered by the Office of the City Clerk.*

**POLICY TITLE:** CORPORATE PROMOTIONAL ITEMS

**POLICY NO.:** 02.C.03

<b>Review Schedule:</b>	Other (specify) Term of Council	<b>Next Review Date:</b>	January 2, 2023
<b>Related Policy(ies):</b>	02.C.02 – Inbound & Outbound Delegations, 02.C.01 – Cultural & Economic Partnerships, 13.A.02 – Employee Code of Conduct, CL-012 – Council Member Expense Policy, PS-003 Corporate Procurement Policy		
<b>Related By-Law(s):</b>			
<b>Procedural Document:</b>	PRC.09 – Corporate Promotional Items		
<b>Revision History</b>			
<b>Date:</b>	<b>Description:</b>		
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c 2  
Communication  
COUNCIL: Jun 12/19  
CW Rpt. No. 20 Item 35

**DATE:** Tuesday, June 4, 2019  
**TO:** Mayor and Members of Council  
**FROM:** Suzanne Craig, Integrity Commissioner and Lobbyist Registrar  
**RE:** **AMENDMENTS TO THE CODE OF CONDUCT FOR MEMBERS OF COUNCIL, LOCAL BOARD AND COMMITTEES**  
Item 35, Report 20 - Committee of the Whole, June 4, 2019  
(Council May 1, 2019)

**Background:**

At the Committee of the Whole meeting on April 2, 2019, the Committee recommended approval of the proposed Code subject to “adding language to the code portion clarifying the definition of Family Members.” There were questions raised about the definition of “Family Member”, as there are differences between the definition in the Code of Conduct for Members of Council, Local Boards and Committees and the Municipal Conflict of Interest Act (MCIA). It was recommended that the revised definition of “Family Member” be included in the Code of Conduct, and that the Integrity Commissioner would rely on the MCIA list of family members when reviewing Code of Conduct complaints in respect of sections 5, 5.1 and 5.2 of the MCIA.

At the May 1, 2019 Council Meeting, the Deputy City Manager, Corporate Services, in consultation with the City Clerk and the Integrity Commissioner, submitted the following:

1. That the definition of “Family Member” in the proposed “Code of Ethical Conduct for Members of Council and Local Boards” be revised as follows:
  - a. “Family Member”<sup>1</sup> means,
    - Spouse, common-law partner, or any person with whom the person is living as a Spouse outside of marriage
    - Parent, including step-parent and legal guardian
    - Child, including step-child and grandchild
    - siblings and children of siblings
    - aunt/uncle, niece/nephew, first cousins
    - in-laws, including mother/father, sister/brother, daughter/son
    - any person who lives with the Member on a permanent basis

<sup>1</sup> When considering whether a complaint triggers sections 5, 5.1 and 5.2 of the Municipal Conflict of Interest Act (MCIA), the Integrity Commissioner will adopt the definitions contained in the MCIA, section 3 in respect of an interest of certain persons deemed that of the Member.

At the May 1<sup>st</sup> Council meeting, Council raised concerns that the above-noted Code definition of “Family Member” was too broad and would put Members of Council at risk of unintended contraventions of sections 5, 5.1 and 5.2 of the MCIA. As a result, the approval of the updated

Code was deferred until the June 4<sup>th</sup> Committee of the Whole. There were Members who suggested that the definition of "Family Member" in the Code be the same as the definition set out in section 3 the MCIA.

### Analysis

In *Old St. Boniface Residents Assn Inc v Winnipeg (City)*, Sopinka J, writing for the majority of the **Supreme Court of Canada**, commented on the meaning of "conflict of interest", as understood under common law:

I would distinguish between a case of partiality by reason of pre-judgment on the one hand and by reason of personal interest on the other. It is apparent ... that some degree of pre-judgment is inherent in the role of a councillor. That is not the case in respect of interest[...] It is not part of the job description that municipal councillors be personally interested in matters that come before them beyond the interest that they have in common with the other citizens in the municipality. Where such an interest is found, both at common law and by statute, a member of Council is disqualified if the interest is so related to the exercise of public duty that a reasonably well-informed person would conclude that the interest might influence the exercise of that duty. This is commonly referred to as a conflict of interest.<sup>1</sup>

The common law recognizes two types of conflicts of interest:

1. non-pecuniary private or personal interest, and
2. pecuniary interest

I. ***A Non-pecuniary conflicts of interest*** (or Code conflict):

may arise out of proximate personal relationship and it applies when a Member has associations or connections within the community such that the Member's own interest might override the public interest when making a decision. In this scenario, a reasonably well-informed person would find that the Member might be influenced in the exercise of public duty by his or her personal interests. A Member ***should avoid*** non-pecuniary conflicts of interest. Even though at the conclusion of a Code investigation, the Integrity Commissioner may rule that a Member was influenced in their public duty by their personal interest and has therefore breached the Code, there is no ***requirement*** for the Member to declare a conflict as is the case under the rules of the MCIA. Non-pecuniary Code conflicts that, by definition, do not involve the potential for financial benefit, can be just as damaging to the public trust as conflicts that involve financial gain (or loss). In common law, a Council Member has a non-pecuniary conflict of interest if:

1. the member's interest in the matter is immediate and distinct from the public interest;
2. it can be reasonably determined that the member's private interest in the matter will influence his or her vote on the matter;

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<sup>1</sup> *Old St. Boniface Residents Assn Inc v Winnipeg (City)*, [1990] 3 SCR 1170 at para 55, Sopinka J

3. the member, or one of his or her relations or associates or otherwise, stands to realize a personal benefit from a favourable decision by Council on the matter; and
4. the potential benefit **to the member** is not financial in nature

In the Report of the Mississauga Judicial Inquiry by Commissioner J. Douglas Cunningham states that:

Optics are important. It is essential to consider how a reasonable person would view the actions of the municipal councillor. As Commissioner Jeffrey Oliphant put it in his 2010 Report:

Public office holders ultimately owe their position to the public, whose business they are conducting. Ensuring they do not prefer their private interests at the expense of their public duties is a fundamental objective of ethics standards.

In summary, the ethics standards to which Justices Bellamy, Cunningham and Oliphant refer, are set out in a Code of Conduct. A Code conflict occurs when a Member participates in activities that grant, or appear to grant, any special consideration, treatment, or advantage to an individual which is not available to every other individual.

- II. A **Pecuniary (Conflict of) Interest** (or MCIA conflict) has three prerequisites:
  1. the existence of a private **financial** interest;
  2. that is **known** to the Member of Council or Local Board; and
  3. that has a **direct link** to his or her public duties and responsibilities and that **is not in common with other electors or so insignificant** that it cannot be reasonably regarded as likely to influence the Member (or one of the other section 4 exceptions)

### **Definition of "Family Member"**

#### **MCIA definitions:**

The MCIA does not contain a definition of "Family Member" and only defines "child", "parent" and "spouse". However, section 3 of the MCIA provides that:

For the purposes of this Act, the pecuniary interest, direct or indirect, of a **parent** or the **spouse** or **any child** of the member shall, **if known to the member**, be deemed to be also the pecuniary interest of the member [emphasis added].

When the Integrity Commissioner receives a Code complaint alleging a contravention of section 5, 5.1 or 5.2 of the MCIA, the Integrity Commissioner will only consider a pecuniary (financial) interest direct or indirect of the Member, parent, spouse or any child, that is known to the Member. The Integrity Commissioner **will not consider the broader Code definition** of "Family Member" when investigating MCIA complaints.

Code of Ethical Conduct definitions:

The Code has contained a definition of "Family Member" for the last 10 years, since it came into force in 2009. During the original discussions of the Accountability and Transparency Committee, Members decided to include in the guiding principles of the Code, a provision that prohibits the improper use of influence of their office. This prohibition is commonly known as a "Code conflict" and means that Members shall not extend, in their discharge of their official duties, preferential treatment to Family Members, organizations or groups in which they or their Family Member have a pecuniary interest. During the discussions of the Accountability and Transparency Committee and public consultations, the question arose as to whether any family member could potentially be the subject of the prohibition. The pivotal issue is not how far removed the lineage of the family member, but rather **whether a Member of Council is granting or appearing to grant preferential treatment to any individual (family member, friend, associate or otherwise) who may have a personal or financial interest in the matter being discussed at Council.**

In 2009, municipal Integrity Commissioners did not have statutory jurisdiction to receive or investigate MCIA complaints. At that time the receipt and enforcement of complaints alleging contraventions of the MCIA could only be received and investigated by the courts. The Code prohibition was the rule against which the Integrity Commissioner relied in Complaint Investigation Report #0114 in which the former Deputy Mayor was found to have breach the Code of Conduct by attempting to grant preferential treatment for the awarding of the City contracts to individuals with whom he had a personal relationship.

Code of Conduct and MCIA conflicts of interest lie on a continuum of conduct that engages important ethical and legal questions. Very importantly, from a practical point of view, a finding of breach of a Code conflict carries the potential penalty of up to 90 days suspension of pay, while the penalty for a finding of a breach of the MCIA can be the removal of office of a Member of Council and suspension from holding office for up to 7 years. Code contraventions, while significant, do not carry penalties as severe as MCIA contraventions. It is for this reason that the list of family members whose pecuniary interest trigger a MCIA contravention is restricted to those set out in the MCIA.

**Conclusion**

In Madam Justice Bellamy's Speech on the release of the Report of the Toronto Computer Leasing Inquiry on Monday, September 12, 2005, her comments included the following:

It was my job to unravel what happened, to find out what went wrong and most importantly, I think, to make recommendations that might prevent the Same or similar mistakes in the future.

[...]

In 214 day of hearings, I heard from 156 witnesses. I saw witnesses who had disgraced themselves, who had failed in their duty to the City, who had put self-interest first...This is a report to City Council, and through them, to the public. The story is an important one. It is really about democracy, and it should be of interest to every single member of the Toronto community because it is also about how the City spends the public's money.

[...]

I consider the recommendations to be the heart of my report. They are what will ultimately affect the residents of the City the most. My recommendations are aimed at improving practices in governance, ethics, lobbying, and procurement. What this means is that they relate fundamentally to the integrity of municipal government and to the people who run it. The recommendations are the most hopeful part of the report. They are forward-looking and are offered with well-founded optimism that things are getting better and can continue to improve. They are directed to the City of Toronto, of course, but there are general principles that can apply to every other municipality in Canada and other levels of government.

#### Recommendation 30 – Preferential Treatment

30. Elected officials and staff should take all necessary steps to avoid preferential treatment or the appearance of preferential treatment for friends or family.

#### Recommendations 31-32 – Disclosure and Recusal

31. Councillors should not vote on any issue at Council or committee that puts them in a real or apparent conflict with their potential finances. They should declare their conflicts and recuse themselves.

32. Councillors should recuse themselves from matters that pose a real or apparent conflict with the finances of their spouse, parents and siblings.

The Code definition of “Family Member” has not changed since the Code came into force in 2009. The only change that is being recommended to the definition of “Family Member” in the updated Code, is to add a footnote to clarify that “when considering whether a complaint triggers sections 5, 5.1 and 5.2 of the Municipal Conflict of Interest Act (MCIA), the Integrity Commissioner will adopt the definitions contained in the MCIA, section 3 in respect of an interest of certain persons deemed that of the Member. This means that when investigating MCIA complaints, the Integrity Commissioner *will only* consider pecuniary interests of the Member’s child, parent or spouse.

This recommended addition of the footnote in the revised Code will bring clarity to the definitions being used in the Code of Conduct for Members of Council, Local Boards and Committees and in the interpretation of the Municipal Conflict of Interest Act.

Understanding and managing the above-noted concepts is fundamental to risk management within municipal government and imperative to maintaining the public trust regarding the accountability of elected officials. It is essential that municipal government operate with a clear understanding of acceptable and unacceptable conduct.

The effect of restricting the Code definition of “Family Member” will mean that the guiding principle of the Code that states:

Members shall not extend, in their discharge of their official duties, preferential treatment to Family Members, organizations or groups in which they or their Family Member have a pecuniary interest.

Will be changed to read:

Members shall not extend, in their discharge of their official duties, preferential treatment to their [spouse, their parent or their child], organizations or groups in which they or their [spouse, their parent or their child] have a pecuniary interest. However, extending preferential treatment to any other Family Member that is not a spouse, their parents or their child] is allowed under the Code.

This is not the intent of Part V.I of the Accountability and Transparency section of the *Municipal Act*. The Province of Ontario amended the *Municipal Act* in 2006, adding Part V.I, as a direct result of the recommendations of the Honourable Madam Justice Denise Bellamy and the Toronto Computer Leasing Inquiry. The recommendations of the Bellamy Report were to include "family and friends" and the "family" was not intended to be limited to "spouse", "parent", "child".

**Options for Amendments to the Code regarding the definition of "Family Member"**

Option 1: *Recommended Option*

Use the current Code definition of "Family Member" and add the footnote to clarify that: when considering whether a complaint triggers sections 5, 5.1 and 5.2 of the Municipal Conflict of Interest Act (MCIA), the Integrity Commissioner will adopt the definitions contained in the MCIA, section 3 in respect of an interest of certain persons deemed that of the Member.

Option 2:

Use another Code definition of "Family Member".

If Council chooses Option 2 and decides to adopt another Code definition, the Integrity Commissioner respectfully invites Members to carefully consider the recommendations of both Justice Bellamy and Justice Cunningham in the Toronto and Mississauga public inquiries<sup>2</sup> and the intent of Part V.I of the *Municipal Act*.



Suzanne Craig  
Integrity Commissioner

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<sup>2</sup> The Bellamy Inquiry Report and the Mississauga Inquiry Report contained numerous Recommendations including: Councillors and staff should take all necessary steps to avoid preferential treatment or the appearance of preferential treatment for friends or family

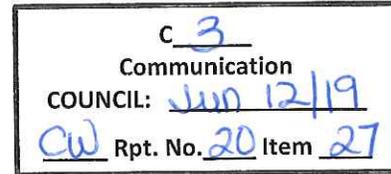
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**Subject:**

Item 27, Committee of the Whole Report No. 20, June 4, 2019

**Attachments:**

Item 27, 20cw0604\_19ex.pdf



**From:** Genco, Tony <tony.genco@pc.ola.org>

**Sent:** Wednesday, June 05, 2019 2:54 PM

**To:** Clerks@vaughan.ca

**Subject:** FW: Item 27, Committee of the Whole Report No. 20, June 4, 2019

This is further to your email to MPP Tibollo. I am pleased to provide you with the following update. Our government believes everyone deserves a place to call home. We want to put affordable home ownership in reach of more Ontario families, and provide more people with the opportunity to live closer to where they work. Bill 108 **More Homes, More Choice**: Ontario's Housing Supply Action Plan to address Ontario's housing crisis and to help build more homes that are affordable in our province. The proposed changes to the *Development Charges Act* would, if passed, reduce the upfront costs of building new homes and provide more certainty for home builders, encouraging them to build projects we need, like rental and non-profit housing.

Growth must pay for growth and it's important that municipalities have the resources to support complete communities. By working with municipalities, we will develop a cap that protects vital revenue streams. To encourage the building of more rentals, our government is proposing to allow development charges for rental housing to be paid over a five-year period instead of up front. Deferring development charges until the units are occupied would, again, make it more attractive for rental units to be built.

We have also extended the development charges deferral for not-for-profit housing from five years to twenty years to help encourage more affordable housing developments. This was a key recommendation given to us by Habitat for Humanity, an important partner in the housing sector. We are also exempting second units from development charges. Our government is working for the people to cut red tape by removing unnecessary delays, duplication and barriers, making it easier to build more homes and provide more housing choices more quickly. These changes would make housing more attainable for the people of Ontario and give them more choice.

We are not removing any community protections. Our government intends to consult with our municipal partners on the development of a community benefits charge that takes the politics out of planning. It is important that municipalities have the resources to support complete communities and give the public at large the opportunity to provide input into a strategy through public consultation. This does not happen in today's Section 37 negotiations.

We look forward to working with municipalities to develop a formula and protect vital municipal revenue streams to make community benefits more transparent and predictable. Growth must pay for growth and it's important that municipalities have the resources to support complete communities. By working with municipalities, we will develop a cap that protects vital revenue streams. We are working to ensure there is more public input into community benefits decisions through the development of a municipality wide

community benefits strategy. We are consulting on the best way to replace the current system of “let’s make a deal” planning with a system that puts people and communities first.

By working with municipalities, we will protect vital municipal revenue streams and make community benefits more transparent and predictable. The community benefits charge would be used to help fund growth-related capital costs for community benefits, such as libraries and day care services. The Association of Municipalities has stated that our Housing Supply Action Plan “... *reflects the long-standing idea that growth should pay for growth...*” and that “*The CBC (Community Benefits) by-law will be based on a strategy produced by the municipality which identifies the costs of growth not covered by development charges. As well, the Ministry of Municipal Affairs and Housing will be preparing a list of eligible items for the charge, methodology for calculating the charge and any caps they may deem necessary.*”

We look forward to working with our municipal partners on innovative ideas that will ensure the right community benefits are provided to the people who matter most – the people of Ontario.

Tony Genco  
Executive Assistant  
Office of Michael Tibollo MPP  
Vaughan-Woodbridge  
905-893-4428 (o)  
647-326-4655 (c)  
MICHAELTIBOLLOMPP.CA

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**From:** [Clerks@vaughan.ca](mailto:Clerks@vaughan.ca) <[Clerks@vaughan.ca](mailto:Clerks@vaughan.ca)>  
**Sent:** June 5, 2019 2:40 PM  
**To:** Tibollo, Michael <[michael.tibollo@pc.ola.org](mailto:michael.tibollo@pc.ola.org)>  
**Subject:** Item 27, Committee of the Whole Report No. 20, June 4, 2019

Sent on behalf of Todd Coles, City Clerk

Hon. Michael Tibollo, MPP  
Vaughan - Woodbridge  
5100 Rutherford Road, Unit 3  
Vaughan, ON L4H 2J2

Dear Mr. Tibollo:

**RE: ANALYSIS – ONTARIO GOVERNMENT’S BILL 108 AND BILL 107**

Attached for your information is **Item 27, Report No. 20**, of the Committee of the Whole meeting of June 4, 2019 regarding the above-noted matter.

I draw your attention to the report recommendations, as follows:

1. *That Mayor and Members of Council inform the Province that the City of Vaughan does not support Bill 108 in its current form because of the potential impacts to community building and proper planning;*
2. *That staff recommend that the Province does not proceed with Bill 108 until fulsome consultation with municipalities has taken place and that feedback from the municipal consultations be used to revise the draft legislation;*
3. *That this report be submitted to the Ministry of Municipal Affairs and Housing as the City of Vaughan's submission, consistent with the Ministry's provincial commenting period;*
4. *That the City of Vaughan's recommendations, as outlined in this report, be forwarded to the Premier, the Minister of Municipal Affairs and Housing, Vaughan's Members of Provincial Parliament, York Region and the Association of Municipalities of Ontario; and*
5. *That the actions taken by the Committee are ratified by Council.*

***To assist us in responding to inquiries, please quote the item and report number.***

Sincerely,

Todd Coles  
City Clerk

Attachment:  
Extract

**Todd Coles**

**City Clerk**

905-832-8504 | [clerks@vaughan.ca](mailto:clerks@vaughan.ca)

**City of Vaughan | Office of the City Clerk**

2141 Major Mackenzie Dr., Vaughan, ON L6A 1T1

**[vaughan.ca](http://vaughan.ca)**



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## CITY OF VAUGHAN

### **EXTRACT FROM COMMITTEE OF THE WHOLE MEETING MINUTES OF JUNE 4, 2019, ITEM 27, REPORT NO. 20**

#### **ANALYSIS – ONTARIO GOVERNMENT’S BILL 108 AND BILL 107**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Interim City Manager, Deputy City Manager, Planning and Growth Management, and Chief Financial Officer and City Treasurer, dated June 4, 2019:

#### **Purpose**

On May 2, 2019, the Ontario government introduced both *Bill 108, More Homes, More Choices Act, 2019* and *Bill 107, Getting Ontario Moving Act, 2019*. This report provides analyses of the impacts of both pieces of legislation. Of note, the recommendations outlined in this report are in response to Bill 108. The proposed changes outlined in Bill 108 have the potential to impact the City’s finances, service levels and land use planning. The analysis of Bill 107 is for information purposes.

#### **Report Highlights**

- *Bill 108, More Homes, More Choices Act, 2019* addresses the shortage of affordable housing across the Province by finding faster ways of getting a greater mix of housing supply on the ground. It proposes to amend 13 different statutes that directly impact municipalities.
- *Bill 107, Getting Ontario Moving Act, 2019* updates numerous road safety rules and allows the Province to assume ownership over Toronto’s subway infrastructure.

#### **Recommendations**

1. That Mayor and Members of Council inform the Province that the City of Vaughan does not support Bill 108 in its current form because of the potential impacts to community building and proper planning;
2. That staff recommend that the Province does not proceed with Bill 108 until fulsome consultation with municipalities has taken place and that feedback from the municipal consultations be used to revise the draft legislation;
3. That this report be submitted to the Ministry of Municipal Affairs and Housing as the City of Vaughan’s submission, consistent with the Ministry’s provincial commenting period;
4. That the City of Vaughan’s recommendations, as outlined in this report, be forwarded to the Premier, the Minister of Municipal Affairs and Housing, Vaughan’s Members of Provincial Parliament, York Region and the Association of Municipalities of Ontario; and
5. That the actions taken by the Committee are ratified by Council.

## CITY OF VAUGHAN

### **EXTRACT FROM COMMITTEE OF THE WHOLE MEETING MINUTES OF JUNE 4, 2019, ITEM 27, REPORT NO. 20**

Item 27, CW Report 20 – Page 2

#### **Background**

On May 2, 2019, the Ontario government introduced the following pieces of legislation:

- *Bill 108, More Homes, More Choices Act, 2019* addresses the shortage of affordable housing across the Province by finding faster ways of getting a greater mix of housing supply on the ground. It proposes to amend 13 different statutes that directly impact municipalities; and
- *Bill 107, Getting Ontario Moving Act, 2019* updates numerous road safety rules and allows the Province to assume ownership over Toronto's subway infrastructure.

Both pieces of legislation have passed first reading.

#### **Previous Reports/Authority**

N/A

#### **Bill 108, More Homes, More Choices Act, 2019:**

Several of the proposed changes will require regulations, which have yet to be released. For Bill 108, the Provincial commenting period closes on June 1. The Province has confirmed the City's submission can be sent June 4 to accommodate the committee schedule.

While regulations that will inform the implementation of the proposed legislation have yet to be provided, upon analysis of the draft legislation, the City can anticipate impacts to:

- Finances;
- Ability to secure parkland;
- Ability to provide community facilities;
- Development applications evaluations;
- Public consultation process;
- Preservation of heritage resources; and
- Administrative process.

#### **Community Benefit Authority:**

- Substantive changes to sections 37 and 42 of the *Planning Act* propose a new Community Benefits Charge (CBC) which would replace existing density bonusing provisions, some cases of parkland dedication, and soft services from the

## CITY OF VAUGHAN

### **EXTRACT FROM COMMITTEE OF THE WHOLE MEETING MINUTES OF JUNE 4, 2019, ITEM 27, REPORT NO. 20**

#### Item 27, CW Report 20 – Page 3

Development Charges Act. Changes would allow municipalities to collect CBCs up to a percentage of the appraised value of land to pay for capital costs of facilities, services and matters required because of development or redevelopment.

- Under the existing DC framework, soft services such as libraries, recreation, parks, and growth-related studies are subject to the statutory 10 per cent deduction, which is co-funded by taxation. DCs for soft services are determined based on the forecasted needs within the historic average service levels.
- Under the proposed amendments a new CBC Strategy would need to identify the forecasted capital needs that would otherwise be funded out of Section 37, Cash-in-lieu (CIL) Parkland, and soft service DC reserves. A new strategy would be required before a CBC By-law could be enacted. Timely completion of a new CBC Strategy and By-law is essential to avoid loss of revenues.
- All money received under the proposed CBC must be paid into a separate special account, 60 per cent of which must be allocated at the beginning of the year. This may have a negative impact on the planned recreation facilities and may create pressure in setting priorities funded through the blended CBC fund, as well as the cash flow required to deliver large capital projects.
- Parks and Open Space funding may be impacted, including the ability to acquire parkland and development of outdoor recreational facilities to the recommended provision standards of the ATMP.
- The approved 2018 ATMP provides provisions and service targets for recreation facilities to 2030. The development of recreation facilities planned or currently underway are 90 per cent funded by DCs and Bill 108 may cause a funding shortfall and negatively impact the delivery of these facilities and services.
- Bill 108 significantly alters the financial tools which have been available to municipalities.
- Further details regarding the implementation of the CBC will be provided in regulation.

#### ***Timing of DC Calculation and Collection:***

- The amount of DCs payable would be determined based on the date of an application for the later of site plan or zoning approvals but continued to be paid at the usual time, which is generally at building permit issuance. Interest may be charged up to a prescribed rate from the date of application to the date the DCs are payable.

## CITY OF VAUGHAN

### **EXTRACT FROM COMMITTEE OF THE WHOLE MEETING MINUTES OF JUNE 4, 2019, ITEM 27, REPORT NO. 20**

#### Item 27, CW Report 20 – Page 4

- Proposed amendments to the DC Act include new rules for when DCs are payable in respect of five types of development: rental housing, institutional, industrial, commercial, and non-profit housing, which includes payments in instalments. Allowing payments to be made over instalments poses added financial risk to the City if a developer is unable to fulfil payment obligations.
- At the time of application, specific information that is pertinent to the calculation of DCs payable may not be finalized, which will impact a municipality's ability to accurately collect DCs to fund eligible growth-related services. This may inadvertently incentivize applications that are prematurely submitted for locking in lower rates and as a result, add risk to the City's planning review process when considered in conjunction with the proposed reduction in approval timelines discussed below.
- The added need to track applications over a prolonged period and calculate the interest charges applicable will require significant changes to current administrative processes and significantly increase the administrative burden of the municipality.
- The proposed lapse in the timing of DC calculation and collection will impact the municipality's ability to fund infrastructure that is required to support growth as the DCs collected will be lower than the forecasted need at the time of development.

Bill 108 introduces shorter timelines for appeals arising from an approval authority's failure to decide as follows:

<b>Instrument</b>	<b>Pre-Bill 139</b>	<b>Bill 139</b>	<b>Bill 108</b>
Official Plan/Official Plan Amendment	180 days	210 days	120 days
Zoning By-law Amendment	120 days	150 days	90 days
Draft Plan of Subdivision	180 days	180 days	120 days

- Agencies and City departments will be challenged to meet to review timelines and will leave little opportunity for re-circulations, even for the most straightforward applications. Shortening the review period may ultimately have the opposite effect of lengthening the approval process by prematurely pushing complicated applications into the appeal/mediation process, where it could languish, consuming staff time across several departments and increasing the cost to a municipality to process development applications.
- The one-size-fits-all applications is unrealistic as each has its own complications and special circumstances.

## CITY OF VAUGHAN

### **EXTRACT FROM COMMITTEE OF THE WHOLE MEETING MINUTES OF JUNE 4, 2019, ITEM 27, REPORT NO. 20**

#### Item 27, CW Report 20 – Page 5

- The proposed changes may make it significantly more difficult for a municipality to fulfil the purposes of the *Ontario Heritage Act* to preserve and protect heritage properties. Further limits and restrictions in the *Ontario Heritage Act*, regarding timelines and events, do not allow for a municipality to be flexible in its approach to development application and may inadvertently extend the process due to the intensified timeline and proposed appeal process.
- Proposed exemptions/process changes to the *Environmental Assessment (EA) Act* will streamline and reduce the number of EAs required. The impact will expedite the process and potentially provide more predictable timelines; however, exemptions may introduce risks to adverse environmental effects.
- Proposed caps/exemptions changes to the DC Act may impact the amount of funding provided to build required infrastructure. Should tax source be used to offset costs, this will impact costs for maintenance and operations. Consequently, service levels may need to be reviewed/adjusted.

#### ***Secondary Suites:***

- Under the proposed amendments, subsection 2 (3.1) of the DC Act would provide that the creation of one second dwelling unit in prescribed classes of new residential buildings (and ancillary structures) would be exempt from development charges.
- The classes of residential buildings would be prescribed in regulation.
- This provides clarity to the City's interpretation of the DC Act and is aligned with the City's current treatment of secondary suites to *existing* residential buildings.

#### **Bill 107, Getting Ontario Moving Act**

The analysis of Bill 107 is for information purposes.

#### ***2019 Metrolinx Act:***

The proposed amendments to the *Metrolinx Act* relate to the creation of a mechanism for the Ontario government to prescribe rapid transit project design, development or construction as the sole responsibility of Metrolinx through regulation, and to prohibit further action on that project by the City of Toronto. The changes in this legislation are limited to the Toronto Transit Commission (TTC). However, the Association of Ontario Municipalities has noted that these proposed provisions could set precedents for changes beyond the TTC subway where the provincial government assumes municipal assets without fair compensation.

## CITY OF VAUGHAN

### **EXTRACT FROM COMMITTEE OF THE WHOLE MEETING MINUTES OF JUNE 4, 2019, ITEM 27, REPORT NO. 20**

Item 27, CW Report 20 – Page 6

#### ***Highway Traffic Act:***

The key proposed amendment to the *Highway Traffic Act* as it affects municipalities is the creation of an Administrative Monetary Penalty regime. Based on the accompanying press release, this administrative penalty appears to provide a tool to municipalities “to target drivers who blow-by school buses and threaten the safety of children crossing roads near their school or home.”

Forthcoming regulations will better define these penalties and when they can be assessed. This could prove to be an important tool in managing traffic around schools, and potentially in other areas of the City depending on the situations that the penalty can be assessed.

#### **Conclusion**

Staff believe the proposals in Bill 108 would impact Vaughan’s municipal finances and service levels. It would necessitate the City establish a new Community Benefits Charge that would replace existing density bonus provisions and potential parkland dedication requirements, and soft services from the Development Charge Act. It has the potential to create a challenge for staff to meet the review timelines. The shortening of the review period may ultimately have the opposite effect of lengthening the development application approval process. In addition, it may make it significantly more difficult for Vaughan to fulfill the mandate of the *Ontario Heritage Act*.

Staff will continue to analyze both pieces of legislation and keep Mayor and Members of Council updated as further information becomes available.

**For more information**, please contact: Tim Simmonds, Interim City Manager, ext. 8427.

#### **Prepared by:**

Michelle DeBuono, Senior Advisor, Intergovernmental Relations, ext. 8837  
Michael Genova, Director, Corporate and Strategic Communications, ext. 8027.  
Bill Kiru, Director, Policy Planning/Environmental Sustainability, ext. 8633.  
Maggie Wang, Manager, Corporate Financial Planning and Analysis, ext. 8029.



## memorandum

C <u>4</u>
Communication
COUNCIL: <u>June 12/19</u>
<u>CW(CWS)</u> Rpt. No. <u>23</u> Item <u>3</u>

**DATE:** June 10, 2019

**TO:** Mayor and Members of Council

**FROM:** Todd Coles, City Clerk

**RE:** **COMMITTEE STRUCTURE REVIEW**  
**Draft 2019 Schedule of Meetings**  
**Report No. 23, Item # 3**

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### Purpose

To provide Council with a draft revised schedule of meetings (Attachment 1) for September to December 2019, that implements a dual Committee of the Whole meeting structure. The calendar also includes an additional Council meeting and Committee of the Whole (Working Session) on an "if required" basis.

### Recommendation

1. That the revised 2019 Schedule of Meetings be adopted in accordance with the calendar set out in Attachment 1; and
2. That the City Clerk be authorized to amend the schedule by cancelling meetings that are not required, or changing the time and/or date of a scheduled meeting, subject to posting such amendments on the City's website in accordance with the Procedure By-law.

### Background

At the Committee of the Whole (Working Session) of June 5, 2019, Committee requested that a revised schedule of meetings for the remainder of 2019 be provided at the Council meeting of June 12, 2019. Attachment 1 is a revised schedule of meetings for September to December 2019 that implements the proposed dual Committee of the Whole structure.

Committee also requested that two additional meetings be scheduled for each month, being an additional Council meeting and a Committee of the Whole (Working Session). These meetings would be held on an "if required" basis.

The proposed schedule of meetings takes into consideration statutory holidays, significant faith days, Regional Council and Committee meetings, and major corporate events.

### Conclusion

The adoption of the Schedule of Meetings will support the conduct of Council business and inform members of the public on the time and dates of meetings of Council and its Standing Committees.



## memorandum

The meeting schedule provided for consideration has been prepared to implement the dual Committee of the Whole meeting structure with additional "if required" meetings of Council and Working Session, and takes into consideration statutory holidays, significant faith days, and any internal scheduling conflicts.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "T. Coles".

Todd Coles, City Clerk

Attachment 1: Draft 2019 Schedule of Meetings – September to December

DRAFT CALENDAR - City of Vaughan – Schedule of Meetings

# September 2019

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2 Labour Day	3	4	5	6	7
8	9	10	11 9:00am – Housing York Inc. Board	12	13	14
15	16	17 1:00 pm – CW (1) 7:00 pm – CW (PH)	18 9:30 am – CW (WS) (if required) 1:00 pm – Council (if required) 9:00am – Rapid Transit Board 10:30am – York Telecom Network (Private Board meeting)	19 9:00am - Committee of the Whole (1)	20	21
22	23	24 1:00 pm – CW (2) + 5:00 pm – CW (CS)	25 9:00am – Police Services Board 4:00pm – Accessibility Advisory Committee	26 9:00am - Committee of the Whole (2)	27	28
29	30 Rosh Hashana*			9:00 am – Regional Council		

\* Jewish holidays begin at sundown of the previous day, unless otherwise indicated.  
**YORK REGION meetings are SHADED**

DRAFT CALENDAR - City of Vaughan – Schedule of Meetings

# October 2019

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		<b>1</b> Rosh Hashana *	<b>2</b> <b>1:00 pm – Council</b>	<b>3</b>	<b>4</b>	<b>5</b>
<b>6</b>	<b>7</b> <b>1:00 pm – CW (1)</b> <b>7:00 pm – CW (PH)</b>	<b>8</b> <b>9:30 am – CW (WS) (if required)</b> <b>1:00 pm – Council (if required)</b>	<b>9</b> Yom Kippur * <small>9:00am – Rapid Transit Board 10:30am – York Telecom Network (Private Board meeting)</small>	<b>10</b> <small>9:00am – Housing York Inc. Board 9:00am – Committee of the Whole (1)</small>	<b>11</b>	<b>12</b>
<b>13</b>	<b>14</b> Thanksgiving Day Sukkot *	<b>15</b> Sukkot *	<b>16</b> <b>1:00 pm – CW (2)</b> <b>+ 5:00 pm – CW (CS)</b>	<b>17</b> <small>9:00am – Committee of the Whole (2)</small>	<b>18</b>	<b>19</b>
<b>20</b>	<b>21</b> Shemini Atzeret *	<b>22</b> Simchat Torah *	<b>23</b> <b>1:00 pm – Council</b>	<b>24</b> <small>9:00 am – Regional Council</small>	<b>25</b>	<b>26</b>
<b>27</b>	<b>28</b>	<b>29</b>	<b>30</b> <small>9:00am – Police Services Board</small>	<b>31</b> <small>9:00am – Special Council/Education Session (if required) 9:00am – Human Services Planning Board</small>		

\* Jewish holidays begin at sundown of the previous day, unless otherwise indicated.  
**YORK REGION meetings are SHADED**



DRAFT CALENDAR - City of Vaughan – Schedule of Meetings

# December 2019

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3 11:00 am – CW (1) 7:00 pm – CW (PH)	4 9:30 am – CW (WS) (if required) 1:00 pm – Council (if required) 9:00am – Housing York Inc. Board 4:00pm – Planning Advisory Committee (if required)	5 9:00am - Committee of the Whole (1)	6	7
8	9	10 11:00 am – CW (2) ± 5:00 pm – CW (CS)	11 9:00am – Rapid Transit Board 10:30am – York Telecom Network (Private Board meeting)	12 9:00am - Committee of the Whole (2)	13	14
15	16	17 1:00 pm – Council	18	19	20	21
22	23 1 <sup>st</sup> Day of Hanukkah *	24	25 Christmas	26 9:00 am – Regional Council Boxing Day	27	28
29	30 Last Day of Hanukkah *	31				

\* Jewish holidays begin at sundown of the previous day, unless otherwise indicated.  
**YORK REGION meetings are SHADED**



David R. Donnelly, MES LLB  
david@donnellylaw.ca

c <u>5</u>
Communication
COUNCIL: <u>June 12/19</u>
<u>CW</u> Rpt. No. <u>20</u> Item <u>2+4</u>

June 12, 2019

**Via e-mail to [todd.coles@vaughan.ca](mailto:todd.coles@vaughan.ca)**

Mayor and Council  
City of Vaughan  
2141 Major Mackenzie Dr.  
Vaughan ON L6A 1T1

**Attention: Todd Coles**

Dear Mr. Coles,

**Re: Notice to First Nations  
11363 & 11063/11191 Highway 27  
File No. OP.17.007 and OP.17.008  
City of Vaughan**

As you are aware, Donnelly Law ("we" or the "Firm") and Mr. G. Borean of Parente, Borean LLP represent Humberplex Developments Inc. ("Humberplex"), the landowner immediately adjacent to the subject applications lands known as the Copper Creek applications (the "Subject Lands"). Hundreds of houses, roadways, commercial development and stormwater management facilities are all proposed as part of the development of the Subject Lands, which includes a portion of Ontario's Greenbelt.

We write to inform you that Humberplex formerly objects to the Notice provided to First Nations in the above-noted matter, is concerned that the site contains archaeological potential beyond what has been identified, and ask that you provide this letter to Mayor and Council, to supplement the record submitted on June 4, 2019 and previous correspondence.

Our search online of the City of Vaughan website reveals two archaeological assessments have been conducted, dated January 2001 (Stage 1-3), and April 26, 2017 (Stage 1-2), please find as Attachment 1 & 2. The 2017 report details a pre-contact find containing approximately 80 Surface Finds, which is not insignificant. No other information is provided.

Given our previous long association with the Huron-Wendat Nation and other First Nations, we have advised our client of the historically strong First Nations' presence along the Humber River Valley adjacent and connected to this particular area.

In addition, Vaughan has made efforts at establishing a constructive working relationship with the Huron-Wendat Nation for development in Block 47, and the creation of a protected space for Skandatut.

In a similar case involving another client, the City's response to a request to notify First Nations was to rely on *Planning Act* O.Reg 543/06 and 545/06 (the "Regulations") for giving notice to First Nations.

These Regulations only require Notice to be given to a Chief of a First Nation Council if that First Nation is located on a Reserve and any part of that Reserve is within one kilometre of the proposed development. In 2019, with the unreconciled issues of treatment of First Nations' rights, culture and history, and a large outstanding void to fill through Truth and Reconciliation, this is inexcusable.

As Council is no doubt aware, the nearest First Nation reserve to Vaughan is nearly 100km away, on Lake Scugog in Durham Region. The Huron-Wendat Nation, the friends of Vaughan Council and most closely culturally affiliated First Nation with Vaughan's past, are 1,000km distant from Vaughan.

In other words, Staff apparently feels it legally and morally acceptable for the Huron-Wendat or any other First Nation to never receive Notice of Council decisions. Based on the response to Mr. Rodaro's submissions, apparently Council unanimously feels the same way.

Under these Regulations, the Huron-Wendat Nation has never and will never receive notice that sites of cultural significance to the Huron-Wendat Nation may be impacted as long as Staff and Council abide by these unconstitutional relics. Paradoxically, mandatory Notice to First Nations under the Ontario *Environmental Assessment Act* has been established by the Courts. Something is obviously amiss.

The failure to notify and consult the Huron-Wendat Nation violates the Huron-Wendat Nation's constitutional right to be consulted and accommodated with respect to its cultural heritage interests.

These regulations put the rights of municipalities, ratepayers, school boards, conservation authorities, utilities, and in the case of O. Reg. 544/06, telecommunications infrastructure providers before the constitutionally entrenched rights of First Nations.

The notice requirements contained in these regulations are relics of the past and are considered "profoundly racist" as stated by Grand Chief Konrad Sioui of the Huron-Wendat Nation in a letter to the Honourable Dalton McGuinty on March 17, 2009, please see Attachment 3.

It is high time this very unfortunate and archaic anomaly be fixed, in the interests of Truth and Reconciliation.

The Canadian Constitution in s. 35 expanded the rights of First Nations creating a concept of First Nations rights that is far greater than matters affecting interests on or nearby Reserves. First Nations are entitled to be on the same footing and receive the same rights of natural justice as school boards and telecommunications companies.

Amendments must be made to the *Planning Act* and corresponding regulations that recognize the cultural and heritage rights of the Huron-Wendat Nation by ensuring that it is statutorily notified like any other interest and consulted before any ancestral remains are disturbed.

The Archaeological Services Inc. ("ASI") archaeological assessments clearly show some level of First Nations' occupation of the site. Were First Nations consulted before Staff made its recommendation, and the Committee of the Whole voted?

In order to determine if portions of the *Planning Act* are constitutionally valid, a party may "State a Case" in writing to the Local Planning Appeal Tribunal ("Tribunal") in order for the Tribunal to refer the question to the Divisional Court for its opinion on any question that, in the opinion of the Tribunal, is a question of law.

In addition, the City of Vaughan pledged to acknowledge Truth and Reconciliation with First Nations at the June 5, 2017 meeting of Council:

Since the release of the Truth and Reconciliation Commission report in 2015, many public institutions across Canada have made commitments to reconciliation based on a mutually respectful relationship with Aboriginal peoples. In the spirit of reconciliation, many municipal governments

across Canada have adopted territorial acknowledgments to precede Council meetings and other gatherings.<sup>1</sup>

It does not appear from the Vaughan website this pledge was ever acted upon.

Please confirm that this letter will be brought to Council's attention prior to its anticipated vote on the above-noted Copper Creek application so that it can be added to the appeal record.

Please do not hesitate to contact me at 416-572-0464, or by e-mail to david@donnellylaw.ca, cc'ing alexandra@donnellylaw.ca and morgan@donnellylaw.ca, should you have any questions or comments concerning this correspondence.

Yours truly,

A handwritten signature in blue ink, appearing to read 'D. Donnelly', with a horizontal line underneath and a flourish extending to the right.

David R. Donnelly

cc. G. Borean

Attachments (3)

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<sup>1</sup> [http://www.vaughan.ca/council/minutes\\_agendas/Extracts/21cw0523\\_17ex\\_10.pdf](http://www.vaughan.ca/council/minutes_agendas/Extracts/21cw0523_17ex_10.pdf)

**A Stage 1 - 3 Archaeological Assessment  
of Crooked Creek Golf Course, 11191 Highway  
27, City of Vaughan, Regional Municipality of  
York, Ontario**

Submitted to

Mr. Paul W. Rycroft, Land Development Consultant  
c/o Crooked Creek Golf Club  
3130 Dufferin Street, Toronto, Ontario M6A 2S6  
Tel.: (416) 787-6633  
Fax: (416) 787-3827

Prepared by

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Archaeological Consulting Licence # 2000-016  
ASI File #:00PY-01, .00PY-02  
MCzCR C.I.F. # 2000-016-088, #2000-016-116

January 2001

## PROJECT PERSONNEL

<i>Project Director:</i>	Mr. Martin S. Cooper
<i>Project Archaeologist:</i>	Mr. T. Keith Powers
<i>Field Archaeologists:</i>	Ms. Sarah-Jane Brimley Ms. Kristine Crawford Mr. Casey O'Neil Mr. Rob Patterson Mr. Erik Burnie Mr. George Clark Ms. Tracy Killip Dr. Bruce Welsh
<i>Report Preparation:</i>	Mr. T. Keith Powers
<i>Graphics:</i>	Mr. T. Keith Powers
<i>Artifact Processing:</i>	Ms. Liz Truchanowicz
<i>Artifact Analysis:</i>	Mr. T. Keith Powers

**A Stage 1 - 3 Archaeological Assessment  
of Crooked Creek Golf Course, 11191 Highway 27,  
City of Vaughan, Regional Municipality of  
York, Ontario**

## 1.0 INTRODUCTION

*Archaeological Services Inc.* was contracted by Paul W. Rycroft, *Land Development Consultants*, to conduct an archaeological assessment of the above property, located in the City of Vaughan, Regional Municipality of York. Bounded by Hwy. 27 to the west, Kirby Road to the north and the East Humber river to the east. The property encompasses an area of approximately 26 hectares (Figure 1).

The assessment was conducted under the project direction of Mr. Martin Cooper and field direction of Mr. T.Keith Powers on May 18<sup>th</sup>- 23<sup>rd</sup>, 24<sup>th</sup>, June 16<sup>th</sup>, 27<sup>th</sup>, 28<sup>th</sup>, July 19<sup>th</sup>, 31<sup>st</sup>, August 1<sup>st</sup> and 2<sup>nd</sup>, 2000. Weather conditions in May were overcast, while the June, July, and August visits took place under sunny conditions. Fieldwork was conducted in accordance with the *Ontario Heritage Act* (1990) under an archaeological consulting licence (2000-016) issued to *Archaeological Services Inc.*

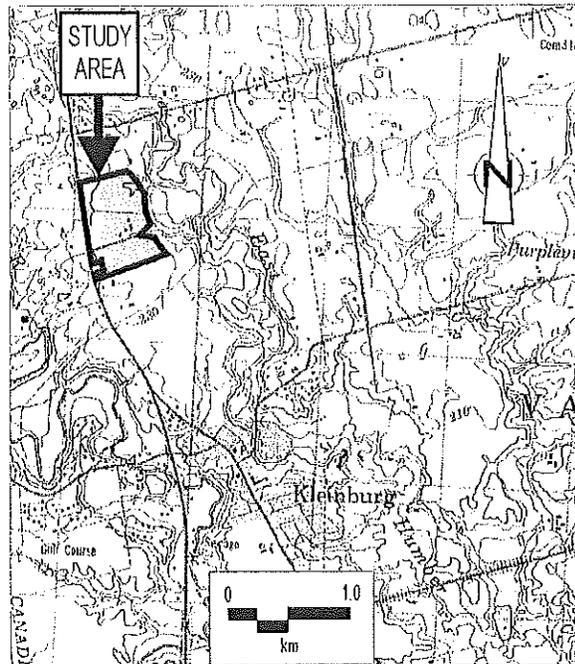


Figure 1 Location of the study area NTS Sheets 30 M/13 (edition 6, published 1985)

## 2.0 STAGE 1 BACKGROUND RESEARCH

### 2.1 Previous Archaeological Research

In order that an inventory of archaeological resources could be compiled for the study area, three sources of information were consulted: the site record forms for registered sites housed at the *Ministry of Citizenship, Culture and Recreation*; published and unpublished documentary sources; and the files of *Archaeological Services Inc.*

In Ontario, information concerning archaeological sites is stored in the Ontario Archaeological Sites Database (OASD), a database developed and maintained by the *Ministry of Citizenship, Culture and Recreation*. This database contains archaeological sites registered within the Borden system. The Borden system was first proposed by Dr. Charles E. Borden, and is based on a block of latitude and longitude. A Borden block is approximately 13 kilometres east-west by 18.5 kilometres north-south. Sites within each block are numbered sequentially as they are found. The study area is located within Borden Block AIGv.

A total of nineteen sites have been registered within two kilometres of the subject property. Particulars concerning these sites are summarized in Table 1.

TABLE 1: REGISTERED SITES WITHIN 2 KM OF THE SUBJECT PROPERTY

Borden No.	Site Name	Site Affiliation	Site Type	Researcher
AIGv-10	Seed	Woodland	Campsite	Unknown, 1972
AIGv-19	Train 1	Indeterminate Prehistoric	Findspot	M.P.P, 1987
AIGv-20	Train 2	Indeterminate Prehistoric	Findspot	M.P.P, 1987
AIGv-21	Train 3	Indeterminate Prehistoric	Findspot	M.P.P, 1987
AIGv-22	Train 4	Indeterminate Prehistoric	Campsite	M.P.P, 1987
AIGv-23	Train 5	Indeterminate Prehistoric	Findspot	M.P.P, 1987
AIGv-24	Train 6	Early & Late Archaic	Campsite	M.P.P, 1987
AIGv-25	Train 7	Indeterminate Prehistoric	Campsite	M.P.P, 1987
AIGv-26	Levaine Hamilton	Euro-Canadian	Cabin (Short term)	M.P.P, 1987
AIGv-27	Train 8	Indeterminate Prehistoric	Findspot	M.P.P, 1987
AIGv-64	Adams I	Indeterminate Prehistoric	Findspot	M.P.P, 1987
AIGv-67	Kirby Sideroad	Indeterminate Prehistoric	Findspot	R.W.C. Bugar, 1987
AIGv-79	Sirtalis	Indeterminate Prehistoric	Temp. Campsite	R.W.C. Bugar, 1988
AIGv-80	Storena	Late Archaic (Charlotte Phase)	Extraction Station	R.W.C. Bugar, 1988
AIGv-81	Furrow	Indeterminate Prehistoric	Findspot	R.W.C. Bugar, 1988
AIGv-90	Kerrowood I	Indeterminate Prehistoric	Findspot	ASI, 1990
AIGv-91	Kerrowood II	Indeterminate Prehistoric	Findspot	ASI, 1990
AIGv-92	Kerrowood III	Indeterminate Prehistoric	Findspot	ASI, 1990
AIGv-93	Kerrowood IV	Indeterminate Prehistoric	Findspot	ASI, 1990

\*M.P.P.– Mayer, Pihl, Poulton consultants

\* A.S.I.– Archaeological Services Inc.

## 2.2 Physiography

The subject lands are situated within the Peel Plain physiographic region of southern Ontario (Chapman and Putnam 1984:175). This region of level to undulating clay soils slopes fairly uniformly toward Lake Ontario and extends through the central portions of York, Peel and Halton counties. The majority of the study area is rather undulating, with a tributary of the East Humber river flowing southward adjacent to the property. Soils consist primarily of clay and clay loam.

## 2.3 Summary Land Use History

The 1878 *Illustrated Historical Atlas of York County* was reviewed to determine the potential for finding structures or other historic remains within the study locale. The study area is located on part of Lot 28, and Lot 29 Concession 8, former township of Vaughan. Two structures are indicated on the property (figure 2). They consist of a farmstead fronting Highway 27, and another farmstead inset on Lot 29.

More detailed discussion of the land use history of the property is provided in Section 3.3, below.

## 2.4 Summary of Archaeological Potential

Potable water is arguably the single most important resource necessary for any extended human occupation or settlement. Since water sources have remained relatively stable in south central Ontario after the Pleistocene era, proximity to water can be regarded as a useful index for the evaluation of archaeological site potential. Indeed, distance from water has been one of the most commonly used variables for predictive modelling of precontact site location.

The Ministry of Citizenship, Culture and Recreation *Primer on Archaeology, Land Use Planning and Development in Ontario* (1997:12-13) stipulates that undisturbed lands within 300 metres of a primary water source, and undisturbed lands within 200 metres of a secondary water source, are considered to be of high archaeological potential.

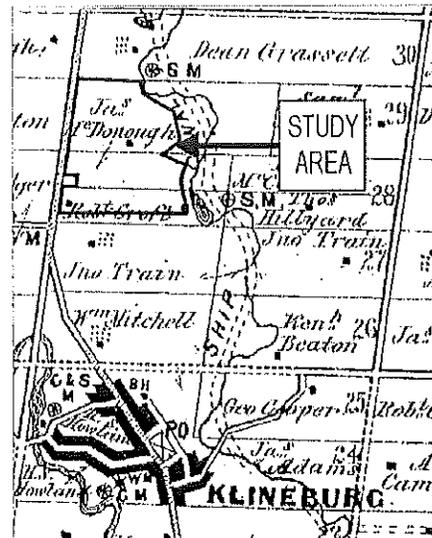


Figure 2 The subject property as depicted on the Vaughan Township map in the 1878 *Historical Atlas of York County*

It has already been noted in Section 2.1 above that a total of nineteen sites have been registered within a two kilometre radius of the property, eighteen of which predate Euro-Canadian settlement of the area. This factor, combined with the physiographic character of the property attests to the significant potential for precontact archaeological resources to be present on the property. Moreover, the fact that a structure is indicated on the property in the 1878 *Atlas* suggests that there is potential for the recovery of historic cultural material.

### 3.0 THE STAGE 2 FIELD ASSESSMENT

#### 3.1 Introduction and Field Methods

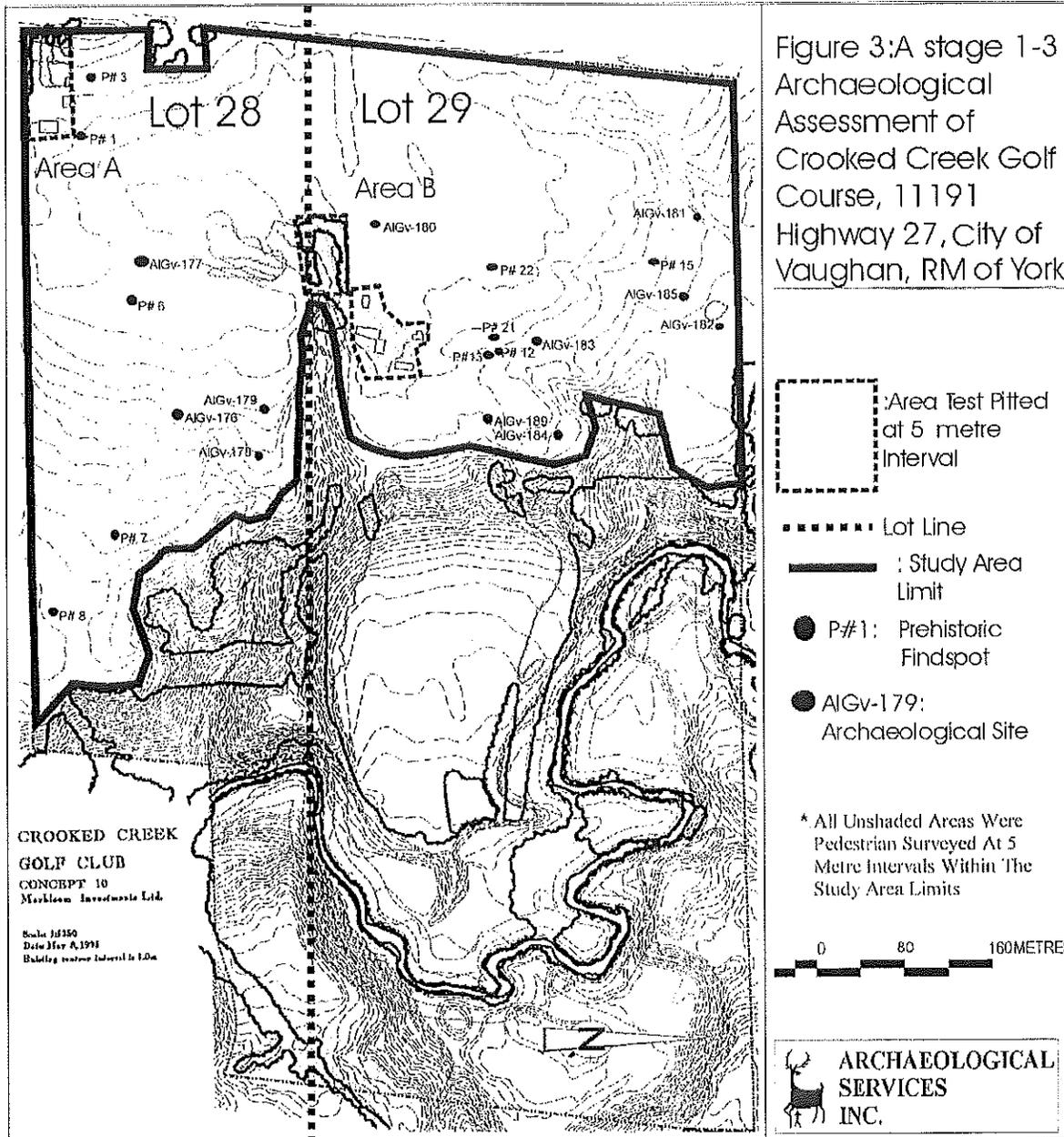
Archaeological fieldwork was undertaken to inventory, identify and describe any archaeological resources extant on the property prior to development (Figure 3). As the vast majority of the property consists of arable land, the majority of the assessment was completed by means of pedestrian survey at five metre intervals. As these lands had been ploughed for the purposes of the survey and allowed to weather, field conditions were excellent (Plate 1).

Two areas within the property were assessed by test pitting. The first area, **Area A** (Figure 3) located in the southwest section of the property was a landscaped yard with no remaining structure. The section of the property had several large trees lining a gravel drive. The area measured approximately 90 metres in length and 30 metres in width. A small area at the end of the drive measuring 20 metres by 20 metres



Plate 1: Field conditions in the ploughed lands east of Highway 27 in May, 2000

had been extensively disturbed by demolition of a structure, possibly the farmstead illustrated in the 1878 *Illustrated Historical Atlas of York County* (see Section 2.3). This entire area was test pitted at 5 metre intervals and no archaeological remains were found.



The second area, consisted of a residential parcel located in the centre east side of the property (**Area B, Figure 3**). Measuring approximately 120 metres by 60 metres, this area had been extensively disturbed by two residential structures, a barn, a shed and a swimming pool. Landscaping activities and drives were associated with all structures. This area was test pitted at 5 metre intervals. All test pits were shovel excavated to subsoil. All test fills were screened through 6mm mesh. No archaeological remains were found in this area.

### 3.2 Stage 2 Assessment Results: Precontact Archaeological Resources

During the course of the survey of the property, 11 findspots and 10 registered sites were located (Figure 3, Table 2). All Universal Transverse Mercator (UTM) points are recorded using the map datum NAD83.

A prehistoric “site” is distinguished from a prehistoric “findspot” on the basis of the number of artifacts recovered and whether or not these artifacts are culturally or chronologically distinct. Thus, a prehistoric “site”, as distinct from a prehistoric “findspot”, refers to a defined area containing at least four artifacts, or a single, formal tool, such as a projectile point, that is identifiable to a specific chronological or cultural period. All newly discovered archaeological sites are registered with the Archaeological Sites Database Coordinator at the *Ministry of Citizenship, Culture and recreation*.

The first site, registered as AIGv-176, is located on rolling terrain at the south half of the property at a UTM of 17 T 0609574 / 4856934 (Figure 3). The material encountered at the site consists of a bifacially worked tool manufactured from Onondaga chert (Plate 2, Table 2 AIGv-176 0.01) and a single piece of Onondaga chert shatter (AIGv-176:0.02). The items were found separated from one another by a distance of approximately 8 metres. Once encountered, the transect interval was reduced to one metre within a thirty metre radius of each find. Despite careful scrutiny, however, no additional remains were found.

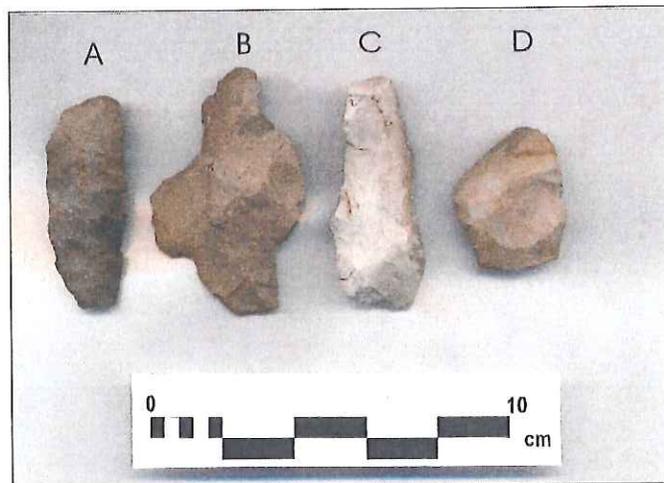


Plate 2: A– (AIGv-176) Bifacially worked tool, probable knife, manufactured from Onondaga chert; B– (AIGv-177) lower portion of a Genesee point, manufactured from Onondaga chert; C– (AIGv-177) biface fragment manufactured from Fossil Hill chert; D– (AIGv-178) retouched biface manufactured from Onondaga chert.

The second site, registered as **AIGv-177** was encountered on level terrain at a UTM of 17 T 0609409 / 4856855 (Figure 3). The material encountered at the site consists of a lower portion of a Genesee point manufactured from Onondaga chert (Plate 2, Table 2 AIGv-177: 0.01) and a biface fragment manufactured from Fossil Hill chert (Plate 2, Table 2 AIGv-177: 0.02). The items were found separated from one another by a distance of approximately 3 metres. Once encountered, the transect interval was reduced to one metre within a 30 metre radius of each find. Despite careful scrutiny, however, no additional remains were found.

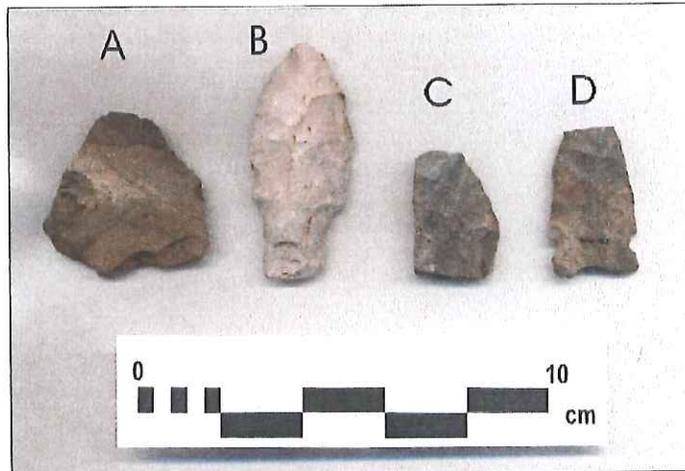


Plate 3: A- (AIGv-179) Biface, probable scraper; B- (AIGv-180) Adder Orchard projectile point; C- (AIGv-181) Biface, worked, probable scraper; D- (AIGv-182) Projectile point, base and tip gone.

Precontact site **AIGv-178**, was encountered on sloping terrain at a UTM of 17 T 0609639 / 4857044

(Figure 3). A total of nine artifacts (Table 2) were collected from the surface of the site. Once this material was encountered, the transect interval was reduced to one metre within a 100 metre radius of the approximate centre point of the site. Despite careful scrutiny, however, no additional remains were found. The material recovered includes one biface with retouch along one edge, which may have been used as a scraper (Plate 2, Table 2 AIGv-178:0.01), one flake uniaxially retouched (AIGv-178:0.02), four flakes (AIGv-178:0.03-0.06), and three pieces of shatter (AIGv-178:0.07-0.09), all of Onondaga chert.

Precontact site **AIGv-179** was encountered on sloping terrain at a UTM of 17 T 0609546 / 4857013 (Figure 3). The material encountered at the site consists of a biface manufactured from Onondaga chert retouched along one edge and was likely used as a scraper (Plate 3, Table 2 AIGv-179:0.01). Once material was encountered, the transect interval was reduced to one metre within a 40 metre radius. Despite careful scrutiny, however, no additional remains were found.

Precontact site **AIGv-180** was encountered on level terrain at a UTM of 17 T 0609330 / 4857092 (Figure 3). The material encountered at the site consists of a Adder Orchard point manufactured from Lockport chert (Plate 3, Table 2 AIGv-180:0.01). Once material was encountered, the transect interval was reduced to one metre within a 40 metre radius. Despite careful scrutiny, however, no additional remains were found.

Precontact site **AIGv-181** was encountered on sloping terrain at a UTM of 17 T 0609213 / 4857472 (Figure 3). The material encountered at the site consists of a Biface manufactured from

Onondaga chert, bifacially retouched on one side, and was likely used as a scraper (Plate 3, Table 2 AIGv-181:0.01). Once material was encountered, the transect interval was reduced to one metre within a 40 metre radius. Despite careful scrutiny, however, no additional remains were found.

Precontact site AIGv-182 was encountered on undulating terrain at a UTM of 17 T 0609338 / 4857490 (Figure 3). The site consists of an Onondaga chert point. The point lacks its tip and a portion of its base, (Plate 2). As the specimen is incomplete, it cannot be assigned to a particular time period (Plate 3, table 2 AIGv-182:0.01). Once material was encountered, the transect interval was reduced to one metre within a 40 metre radius. Despite careful scrutiny, however, no additional remains were found.

Precontact site AIGv-183 was encountered on undulating terrain at a UTM of 17 T 0609347 / 4857349 (Figure 3). The material encountered at the site consists of a biface manufactured from Onondaga chert retouched along one edge and was likely used as a scraper (Plate 4, Table 2 AIGv-183:0.01). Once material was encountered, the transect interval was reduced to one metre within a 40 metre radius. Despite careful scrutiny, however, no additional remains were found.

Precontact site AIGv-184 was encountered on level terrain to the west and south of a slope which drained into the East Humber River at a UTM of 17 T 0609489 / 4857368 (Figure 3). A total of seven artifacts (Table 2) were collected from the surface of the site. The material recovered, all of which was of Onondaga chert, includes two flake fragments (AIGv-184:0.01-0.02), one secondary reduction flake (AIGv-184:0.03), and four pieces of shatter. Once this material was encountered, the transect interval was reduced to one metre within a 80 metre radius of the approximate centre point of the site. Despite careful scrutiny, however, no additional remains were found.



Plate 4: A-(AIGv-183) Biface, retouched along one side, probable scraper; B - (AIGv-188) Biface fragment, probable bifurcate base; C - (AIGv-185) Biface fragment.

Precontact site AIGv-185 was encountered on billowing terrain at a UTM of 17 T 0609273 / 4857463 (Figure 3). The site consists of a single biface fragment manufactured from Onondaga chert (Plate 4, table 2 AIGv-185:0.01). Once the artifact was encountered, the transect interval

Precontact site **AIGv-185** was encountered on billowing terrain at a UTM of 17 T 0609273 / 4857463 (Figure 3). The site consists of a single biface fragment manufactured from Onondaga chert (Plate 4, table 2 AIGv-185:0.01). Once the artifact was encountered, the transect interval was reduced to one metre within a 30 metre radius. Despite careful scrutiny, no additional remains were found.

Precontact site **AIGv-188** was encountered on a knoll at a UTM of 17 T 0609290 / 4856717 (Figure 3). The site consists of the base of a bifurcate base projectile point manufactured from Onondaga chert (Plate 4, Table 2 AIGv-188:0.01), and a secondary reduction flake of Onondaga chert (Table 2, AIGv-1880.02), bifurcate base points are diagnostic of the Early Archaic period. Once this material was encountered, the transect interval was reduced to one metre within a 40 metre radius. Despite careful scrutiny, only one additional artifact was found.

Finally, precontact site **AIGv-189** was encountered on level terrain at a UTM of 17 T 0609488 / 4857321 (Figure 3). A total of nine artifacts (Table 2) were collected from the surface of the site. Once this material was encountered, the transect interval was reduced to one metre within a 80 metre radius of the approximate centre point of the site. Despite careful scrutiny, no additional remains were found. The material recovered includes one primary thinning flake (AIGv-189:0.01), one secondary reduction flake (AIGv-189:0.02), one pressure flake (AIGv-189:0.03), one flake fragment (AIGv-189:0.04), and 5 pieces of chert shatter. All chert material consisted of Onondaga chert with the exception of 1 piece of Ancaster chert shatter.

TABLE 2: PRECONTACT SITE ARTIFACT CATALOGUE

Provenience	Cat. No.	Artifact Type	Dimensions	Description	UTM coordinates
<b>P# 1</b>					
Surface	0.01	Chert shatter	297 x 194 x 48	Onondaga chert; Shatter	17 T 0609348 / 4856732
Surface	0.02	Secondary reduction flake	196 x 117 x 32	Onondaga chert; secondary reduction flake	
<b>AIGv-176</b>					
Surface	0.01	Bifacially worked tool	607 x 226 x 91	Onondaga chert; probable knife	17 T 0609574 / 4856934
Surface	0.02	shatter	159 x 125 x 37	Onondaga; shatter count = 1	

TABLE 2: PRECONTACT SITE ARTIFACT CATALOGUE

Provenience	Cat. No.	Artifact Type	Dimensions	Description	UTM coordinates
AIGv-177					
Surface	0.01	Projectile point incomplete	704 x 460 x 117	Onondaga chert; probable incomplete Genesee point	17 T 0609409 / 4856855
Surface	0.02	crude biface	668 x 262 x 162	Collingwood chert; crude biface	
P# 6					
Surface	0.01	secondary reduction flake	319 x 158 x 60	Ancaster chert; flake	17 T 0609462 / 4856866
P# 7					
Surface	0.01	shatter		Onondaga chert	17 T 0609778 / 4856906
Surface	0.02	shatter		Onondaga chert	
P# 8					
Surface	0.01	flake fragment	87 x 74 x 12	Onondaga chert; thermally altered flake fragment	17 T 0609896 / 4856889
AIGv-178					
Surface	0.01	biface	414 x 317 x 114	Onondaga chert; retouched biface; probable scraper	17 T 0609639 / 4857044
Surface	0.02	flake	223 x 244 x 55	Onondaga chert; unifacially retouched	
Surface	0.03	flake	267 x 185 x 35	Onondaga chert; flake	
Surface	0.04	flake	229 x 186 x 39	Onondaga chert; flake	
Surface	0.05	flake	116 x 139 x 23	Onondaga chert; flake	
Surface	0.06	flake	108 x 115 x 24	Onondaga chert; flake	
Surface	0.07	shatter		Onondaga chert; shatter	
Surface	0.08	shatter		Onondaga chert; shatter	
Surface	0.09	shatter		Onondaga chert; shatter	
AIGv-179					
surface	0.01	biface	402 x 397 x 135	Onondaga chert; bifacial retouching; probable scraper	17 T 0609546 / 4857013

TABLE 2: PRECONTACT SITE ARTIFACT CATALOGUE

Provenience	Cat. No.	Artifact Type	Dimensions	Description	UTM coordinates
<b>AIGv-180</b>					
surface	0.01	Projectile point-complete	578 x 248 x 95	Lockport chert; Adder Orchard point	17 T 0609330 / 4857092
<b>P# 12</b>					
surface	0.01	flake	153 x 141 x 27	Onondaga chert; secondary reduction flake	17 T 0609427 / 4857289
surface	0.02	flake	83 x 82 x 14	Onondaga chert; pressure flake	
surface	0.03	shatter		Onondaga chert; shatter	
<b>P# 13</b>					
Surface	0.01	secondary flake	215 x 343 x 58	Onondaga chert; secondary flake	17 T 0609403 / 4857270
Surface	0.02	shatter		Onondaga chert; shatter	
<b>AIGv-181</b>					
Surface	0.01	biface	312 x 218 x 66	Onondaga chert; retouched; probable scraper	17 T 0609213 / 4857472
<b>P# 15</b>					
Surface	0.01	shatter		Onondaga chert; shatter	17 T 0609250 / 4857402
<b>AIGv-182</b>					
Surface	0.01	Projectile point - incomplete	361 x 221 x 54	Onondaga chert; point fragment; possible Meadowood point, base missing;	17 T 0609338 / 4857490
<b>AIGv-183</b>					
Surface	0.01	biface	461 x 318 x 75	Onondaga chert; biface retouched; probable scraper	17 T 0609347 / 4857349
<b>AIGv-184</b>					
Surface	0.01	flake fragment	189 x 215 x 49	Onondaga chert; flake fragment	17 T 0609489 / 4857368
Surface	0.02	flake fragment	85 x 145 x 20	Onondaga chert; flake fragment	

TABLE 2: PRECONTACT SITE ARTIFACT CATALOGUE

Provenience	Cat. No.	Artifact Type	Dimensions	Description	UTM coordinates
Surface	0.03	flake	214 x 145 x 45	Onondaga chert; secondary reduction flake	
Surface	0.04	shatter		Onondaga chert; shatter	
Surface	0.05	shatter		Onondaga chert; shatter	
Surface	0.06	shatter		Onondaga chert; shatter	
Surface	0.07	shatter		Onondaga chert; shatter	
<b>AIGv-185</b>					
Surface	0.01	Biface	268 x 250 x 54	Onondaga chert; biface fragment	17 T 0609273 / 4857463
<b>AIGv-188</b>					
Surface	0.01	projectile point fragment	233 x 133 x 51	Onondaga chert, probable reworked bifurcate base	17 T 0609348 / 4856732
surface	0.02	secondary reduction flake	210 x 129 x 42	Onondaga chert; secondary reduction flake	
<b>AIGv-189</b>					
Surface	0.01	flake	286 x 217 x 34	Onondaga chert; primary thinning flake	17 T 0609488 / 4857321
Surface	0.02	flake	126 x 97 x 33	Onondaga chert; secondary reduction flake	
Surface	0.03	flake	95 x 76 x 13	Onondaga chert; pressure flake	
Surface	0.04	flake fragment	141 x 114 x 31	Onondaga chert; flake Fragment	
Surface	0.05	shatter		Onondaga chert; shatter	
Surface	0.06	shatter		Onondaga chert; shatter	
Surface	0.07	shatter		Onondaga chert; shatter	
Surface	0.08	shatter		Onondaga chert; shatter	
Surface	0.09	shatter		Ancaster chert; shatter	
<b>P# 21</b>					
Surface	0.01	flake	239 x 305 x 35	Onondaga chert; secondary thinning flake	17 T 0609398 / 4857292
<b>P# 22</b>					
Surface	0.01	shatter		Onondaga chert; shatter	17 T 0609301 / 4857248

### **3.0 STAGE 3 ASSESSMENT OF THE NADA SITE (AIGv-178), THE TOKO SITE (AIGv-185), AND THE LATER SITE (AIGv-189)**

While the majority of sites and findspots were isolated and required no stage 3 investigation, three sites (AIGv-178, AIGv-184, and AIGv-189) demonstrated considerable potential to provide insight into the precontact occupation of the study area. Accordingly, sites AIGv-178, AIGv-184, and AIGv-189 were subject to Stage 3 investigation to identify more precisely their character and extent.

The Stage 3 investigations consisted of a series of one metre square test units excavated within the site area to determine the nature and extent of cultural deposits. The test units were excavated to sterile subsoil, and soil fills screened through 6 mm wire mesh to facilitate artifact recovery. The subsoil was trowelled and all profiles examined for undisturbed cultural deposits.

#### **3.1 Stage 3 Field Work at the Nada Site (AIGv-178)**

The Stage 3 investigation of the Nada site took place over a two day period in June. Both days, June 16<sup>th</sup> and 27<sup>th</sup> were warm and sunny with an average temperature of 24° C. The stage 3 assessment began with the re-examination of the site area at one metre intervals. Surface visibility on this occasion was approximately 70%, and was therefore deemed to be adequate for the purpose of the assessment. This re-examination resulted in the recovery of no additional artifactual material. A controlled surface collection was then completed during which the location of each artifact discovered during the Stage 2 investigation was recorded with the aid of a transit and tape measure relative to a UTM datum of (17 T 0609639 / 4857035) that was fixed on the site at (500-200) established to the south of the core of the scatter (Figure 4). A UTM datum was chosen due to the lack of fixed markers in the landscape.

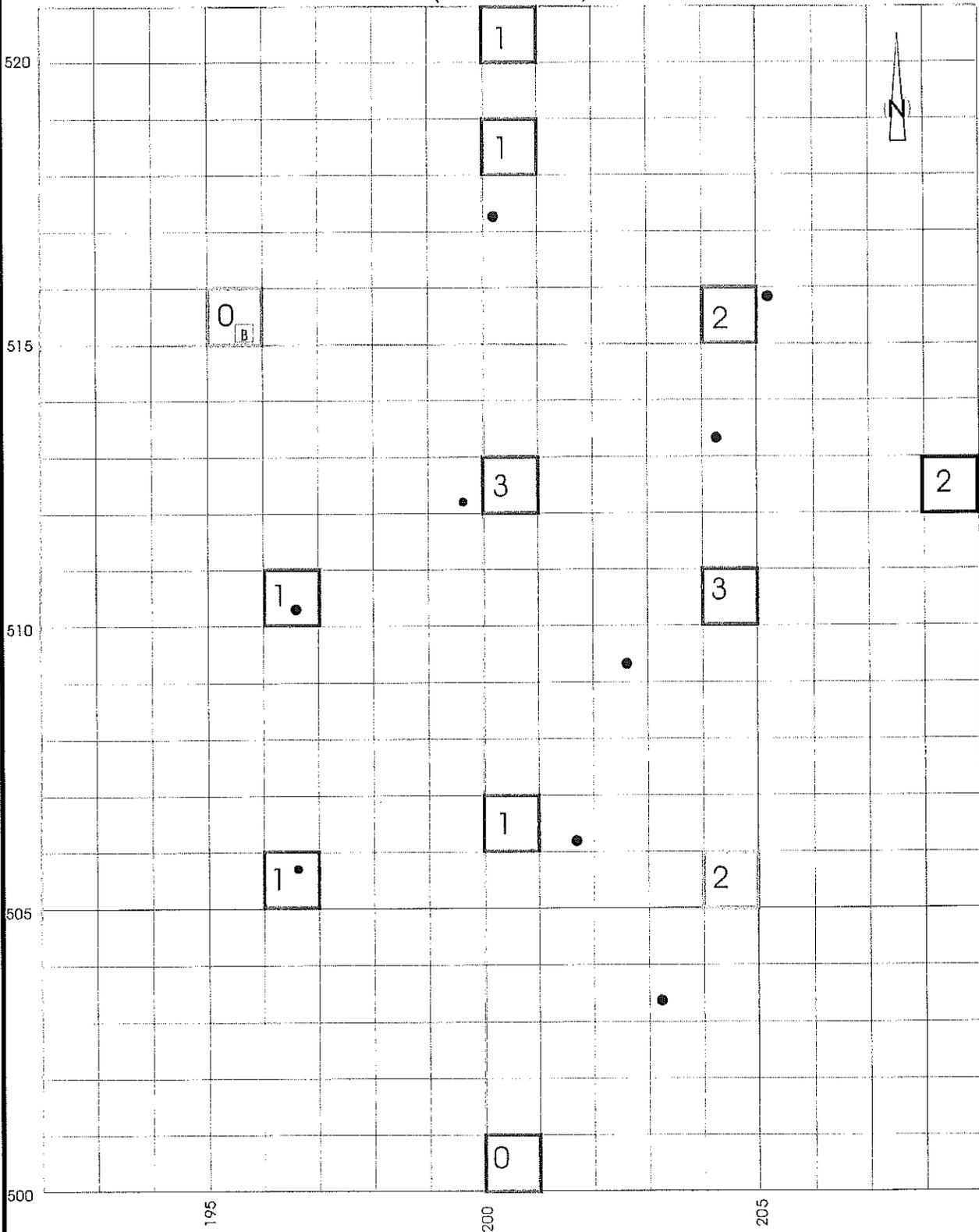
The chert flakes making up the surface scatter, as defined during the controlled surface collection, were distributed over an area of approximately 150 square metres. The distribution of all of the surface material encountered during the Stage 2 assessment of the site, together with the placement and yields of the one metre test units that were subsequently excavated, is presented in Figure 4.

Following the completion of the controlled surface collection, a series of twelve one-metre square test units (tied into the five metre grid) was excavated to determine the nature and extent of cultural deposits in the plough zone. The test units were excavated to sterile subsoil and the soil fills were screened through six millimetre wire mesh to facilitate artifact recovery. The subsoil was trowelled, and all profiles were examined for undisturbed cultural deposits. The plough zone within these units had an average depth of 31 cm, with a range of 28 cm to 33 cm.

Despite careful scrutiny, no evidence of intact cultural deposits or subsurface features was noted in any of the test units. A total of 15 artifacts was recovered from the test units. Plough zone artifact yields ranged from one item (units 505-195, 506-200, 510-196, 518-200, and 520-200) to a high of 3 items (units 510-204, 515-204 and 512-200), with an average of 1.5 artifacts per unit (Figure 4).

*\*Only artifact yielding units calculated for unit average.*

FIGURE 4: THE NADA SITE (AIGv-178)



Archaeological Services Inc.



- 3 Test Unit & Artifact Yield
- 0 Biface
- Surface Find



DATE: 19/01/01

Drawn By: T.K.P.  
Client Code: 00PY-02

### 3.2 The Nada Site (AIGv-178) Artifact Assemblage

TABLE 3: NADA SITE (AIGv-178) ARTIFACT CATALOGUE

Provenience	Cat. No.	<i>n</i>	Dimensions	Artifact Type/Description*
505-195	0.001	1	92 x 106 x 14	secondary retouch flake (Collingwood chert)
506-200	0.001	1	65 x 99 x 14	secondary retouch flake
510-196	0.001	1	75 x 65 x 13	secondary retouch flake fragment
512-200	0.001	1	79 x 134 x 14	secondary reduction flake
	0.002	1	71 x 87 x 13	secondary retouch flake fragment
	0.003	1	171 x 103 x 33	secondary knapping flake
512-208	0.001	1	168 x 171 x 32	primary thinning flake
515-204	0.001	1	100 x 96 x 18	secondary reduction flake (Collingwood chert)
	0.002	1	143 x 76 x 23	secondary reduction flake
	0.003	1	221 x 220 x 47	primary reduction flake
510-204	0.001	1	176 x 231 x 82	biface fragment,
	0.002	1	125 x 166 x 26	secondary knapping flake
	0.003	1	115 x 162 x 23	secondary retouch flake fragment
518-200	0.001	1	84 x 100 x 18	secondary retouch flake fragment
520-200	0.001	1	142 x 91 x 12	secondary retouch flake

15

\* Unless otherwise noted, all material is Onondaga Formation chert

### 3.3 Stage 3 Field Work at the Toko Site (AIGv-184)

The Stage 3 investigation of the Toko site took place over a three day period in July. All three days, July 6<sup>th</sup>, 19<sup>th</sup>, and the 24<sup>th</sup> were warm and sunny with an average temperature of approximately 22° C. The stage 3 assessment began with the re-examination of the site area at one metre intervals. Surface visibility on this occasion was approximately 60%, and was therefore deemed to be adequate for the purpose of the assessment. This re-examination resulted in the recovery of no further artifact material. A controlled surface collection was then completed during which the location of each artifact discovered during the Stage 2 investigation was recorded with the aid of a transit and tape measure relative to a UTM datum of (17 T 0609500 / 4857357) that was fixed on the site at (500-200) established to the south of the core of the scatter (Figure 5). A UTM datum was chosen due to the lack of fixed markers in the landscape.

The chert flakes making up the surface scatter, as defined during the Stage 2 collection, were distributed over an area of approximately 100 square metres. The distribution of all of the surface material encountered during the Stage 2 assessment of the site, together with the placement and yields of the one metre test units that were subsequently excavated, is presented in Figure 5.

Following the completion of the controlled surface collection, a series of eleven one-metre square test units (tied into the five metre grid) was excavated to determine the nature and extent of cultural deposits in the plough zone at the site. The plough zone within these units had an average depth of 28 cm, with a range of 25 cm to 31 cm. Despite careful scrutiny, no evidence of intact cultural deposits or subsurface features was noted in any of the test units. A total of 16 artifacts was recovered from the test units. Plough zone artifact yields ranged from one item (units 500-205, and 507-196) to a high of 4 items (units 501-199), with an average of 2.28 artifacts per unit (figure 5).

*\*Only artifact yielding units calculated in unit average.*

### 3.4 The Toko Site (AIGv-184) Artifact Assemblage

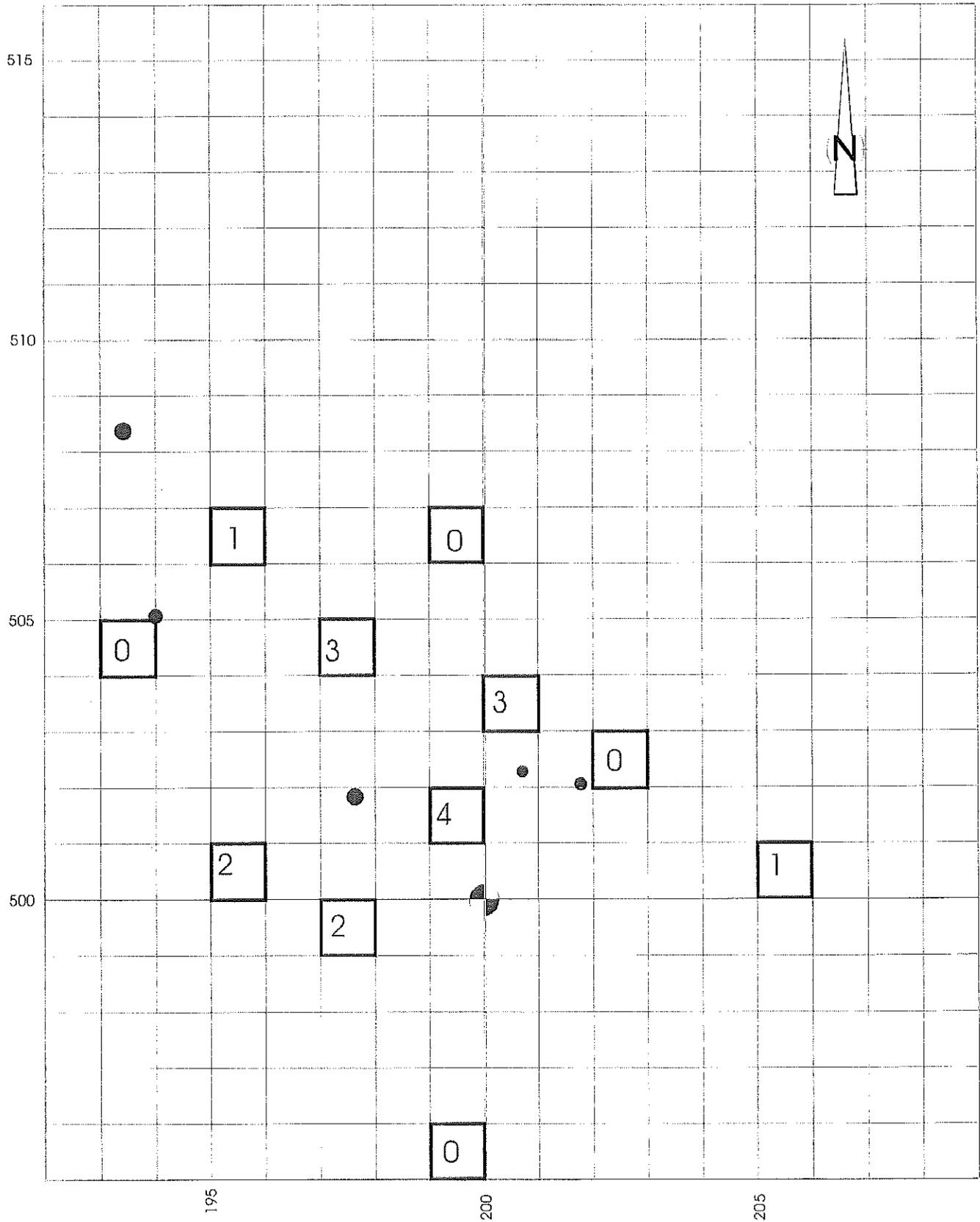
TABLE 4: TOKO SITE (AIGv-184) ARTIFACT CATALOGUE

Provenience	Cat. No.	n	Dimensions	Artifact Type/Description*
499-197	0.001	1	91 x 103 x 19	secondary retouch flake (Collingwood chert)
	0.002	1		shatter
500-195	0.001	1	110 x 116 x 30	secondary knapping flake fragment
	0.002	1	265 x 273 x 86	primary reduction flake (Collingwood Chert)
500-205	0.001	1	91 x 80 x 15	secondary retouch flake
501-199	0.001	1	128 x 158 x 31	secondary knapping flake
	0.002	1	98 x 70 x 13	secondary reduction flake
	0.003	1	97 x 68 x 13	secondary reduction flake (Collingwood chert)
	0.004	1		shatter (Ancaster chert)
503-200	0.001	1	190 x 152 x 56	primary reduction flake
	0.002	1	108 x 74 x 26	secondary retouch flake
	0.003	1	113 x 106 x 16	secondary retouch flake fragment
504-197	0.001	1	101 x 89 x 16	secondary retouch flake fragment
	0.002	1	75 x 76 x 15	secondary retouch flake fragment
	0.003	1		shatter
507-196	0.001	1	131 x 54 x 19	flake fragment

16

\* Unless otherwise noted, all material is Onondaga Formation chert

FIGURE 5: THE TOKO SITE (AIGV-184)



Archaeological  
Services  
Inc.



- 3 Test Unit & Artifact Yield
-  Datum
-  Surface Find



DATE: 19/01/01

DRAWN BY T.K.P.

### 3.5 Stage 3 Field Work at the Later Site (AIGv-189)

The Stage 3 investigation of the Later site took place over a two day period in July. Both days, July 6<sup>th</sup>, and the 24<sup>th</sup> were warm and sunny with an average temperature of approximately 22° C. The stage 3 assessment began with the re-examination of the site area at one metre intervals. Surface visibility on this occasion was approximately 60%, and was therefore deemed to be adequate for the purpose of the assessment. This re-examination resulted in the recovery of no further artifact material. A controlled surface collection was then completed during which the location of each artifact discovered during the Stage 2 investigation was recorded with the aid of a transit and tape measure relative to a UTM datum of (17 T 0609491 / 4857318) that was fixed on the site at (500-200) established to the south of the core of the scatter (Figure 6). A UTM datum was chosen due to the lack of fixed markers in the landscape.

The chert flakes making up the surface scatter, as defined during the Stage 2 collection, was distributed over an area of approximately 250 square metres. The distribution of all of the surface material encountered during the Stage 2 assessment of the site, together with the placement and yields of the one metre test units that were subsequently excavated, is presented in Figure 6.

Following the completion of the controlled surface collection, a series of 13 one-metre square test units (tied into the five metre grid) was excavated to determine the nature and extent of cultural deposits in the plough zone at the site. The plough zone within these units had an average depth of 25 cm, with a range of 19 cm to 29 cm. Despite careful scrutiny, no evidence of intact cultural deposits or subsurface features was noted in any of the test units. A total of 13 artifacts were recovered from the test units. Plough zone artifact yields ranged from one item (units 498-200, 504-194, 504-200, 508-191, 511-188, 518-193, and 518-200) to a high of 2 items (units 504-190, 510-190, and 512-193), with an average of 1.3 artifacts per unit (figure 6).

*\*Only artifact yielding units calculated in unit average.*

### 3.6 The Later Site (AIGv-189) Artifact Assemblage

TABLE 5: LATER SITE (AIGv-189) ARTIFACT CATALOGUE

Provenience	Cat. No.	n	Dimensions	Artifact Type/Description*
499-200	0.001	1	151 x 257 x 37	primary thinning flake
504-190	0.001	1	102 x 97 x 21	secondary retouch flake fragment
	0.002	1	143 x 156 x 36	secondary knapping flake fragment
504-194	0.001	1		shatter
504-200	0.001	1	228 x 170 x 52	primary reduction flake
508-191	0.001	1	95 x 72 x 18	secondary retouch flake fragment

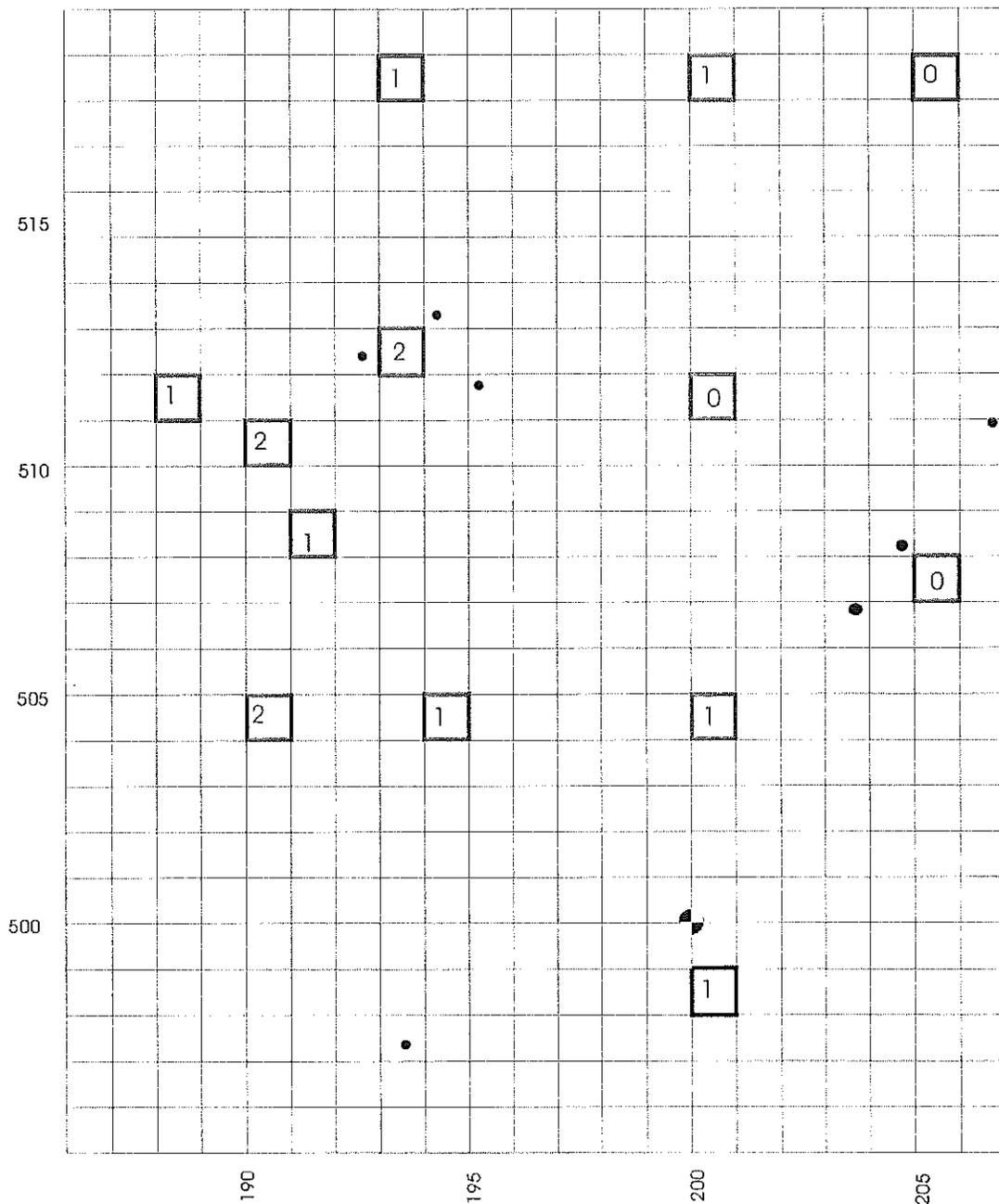
TABLE 5: LATER SITE (AIGv-189) ARTIFACT CATALOGUE

Provenience	Cat. No.	n	Dimensions	Artifact Type/Description*
510-190	0.001	1	78 x 65 x 15	secondary retouch flake fragment
	0.002	1	61 x 49 x 08	secondary retouch flake fragment
511-188	0.001	1	169 x 128 x 31	primary thinning flake
512-193	0.001	1	110 x 81 x 22	secondary knapping flake
	0.002	1	108 x 94 x 16	secondary retouch flake
518-200	0.001	1	85 x 94 x 12	secondary retouch flake

13

\* Unless otherwise noted, all material is Onondaga Formation chert

# FIGURE 6: THE LATER SITE (AIGv-189)



## 5.0 CONCLUSIONS AND RECOMMENDATIONS

The archaeological assessment of Crooked Creek Golf Course, 11191 Highway 27, City of Vaughan, Regional Municipality of York, resulted in the documentation of ten precontact archaeological sites and eleven findspots.

All but 3 sites (AIGv-178, AIGv-184, and AIGv-189) were isolated findspots and required no stage 3 investigation. These three sites (AIGv-178, AIGv-184, and AIGv-189) however, demonstrated considerable potential to provide insight into the precontact occupation of the study area. Accordingly, they were subject to Stage 3 investigation to identify more precisely their character and extent.

The results of the Stage 2 and 3 assessments of the Nada Site (AIGv-178), the Toko Site (AIGv-185), and the Later site (AIGv-178) suggest they represent a brief occupation, during which limited flint-knapping and/or resource processing activities took place. The Nada Site (AIGv-178), the Toko Site (AIGv-185), and the Later site (AIGv-178) together with the other findspots encountered in the immediate vicinity, suggests that the resources offered by the area attracted short term visits over an extended period of time throughout the Archaic period. The low density of artifacts within the plough zone at all three sites further suggests that the material traces of these activities are quite ephemeral, and that further investigations of the Nada Site (AIGv-178), the Toko Site (AIGv-185), and the Later site (AIGv-178) is unlikely to result in a meaningful contribution to our understanding of the precontact occupation of the area.

In light of these results, the following recommendation are made:

1. Due to the isolated nature of the findspots and sites; AIGv-176, AIGv-177, AIGv-179, AIGv-180, AIGv-181, AIGv-182, AIGv-183, these areas should be considered free from archaeological concern.
2. The Nada Site (AIGv-178), the Toko Site (AIGv-185), and the Later site (AIGv-189) may be considered clear of any further archaeological concern.
3. The balance of the subject property may be considered free of further archaeological concern.
4. The artifacts recovered during the course of the Stage 2 and 3 assessments of the Crooked Creek Golf Course, and all the supporting documentation, shall be curated by Archaeological Services Inc. until such a time that arrangements for their ultimate

transfer to Her Majesty the Queen in right of Ontario, or other public institution, can be made to the satisfaction of the landowner, the *Ministry of Citizenship, Culture and Recreation (MCzCR)*, and any other legitimate interest groups.

5. In the event that deeply buried archaeological remains are encountered on the property during construction activities, the office of the Regulatory and Operations Group, *Ministry of Citizenship, Culture and Recreation (MCzCR)*, should be notified immediately.
6. Furthermore, in the event that human remains are encountered during construction, both *Ministry of Citizenship, Culture and Recreation (MCzCR)* and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations should be notified immediately

## 5.0 REFERENCES CITED

Chapman, L.J., and D.F. Putnam

1984 *The Physiography of Southern Ontario*. Ontario Geological Survey, Special Volume 2.

*Illustrated Historical Atlas of York County*

1877 Toronto, Miles & Co. Reprinted by Mika Silk Screening, Belleville, Ontario, 1972.

Ministry of Citizenship, Culture and Recreation

1997 *Conserving A Future For Our Past: Archaeology, Land Use Planning & Development in Ontario*. Cultural Programs Branch, Archaeology & Heritage Planning Unit. Toronto.

**STAGE 1 AND 2 ARCHAEOLOGICAL ASSESSMENT OF  
11363 HIGHWAY 27,  
PART LOT 30, CONCESSION 8, GEOGRAPHIC TOWNSHIP OF VAUGHAN, YORK COUNTY,  
CITY OF VAUGHAN, REGIONAL MUNICIPALITY OF YORK, ONTARIO**

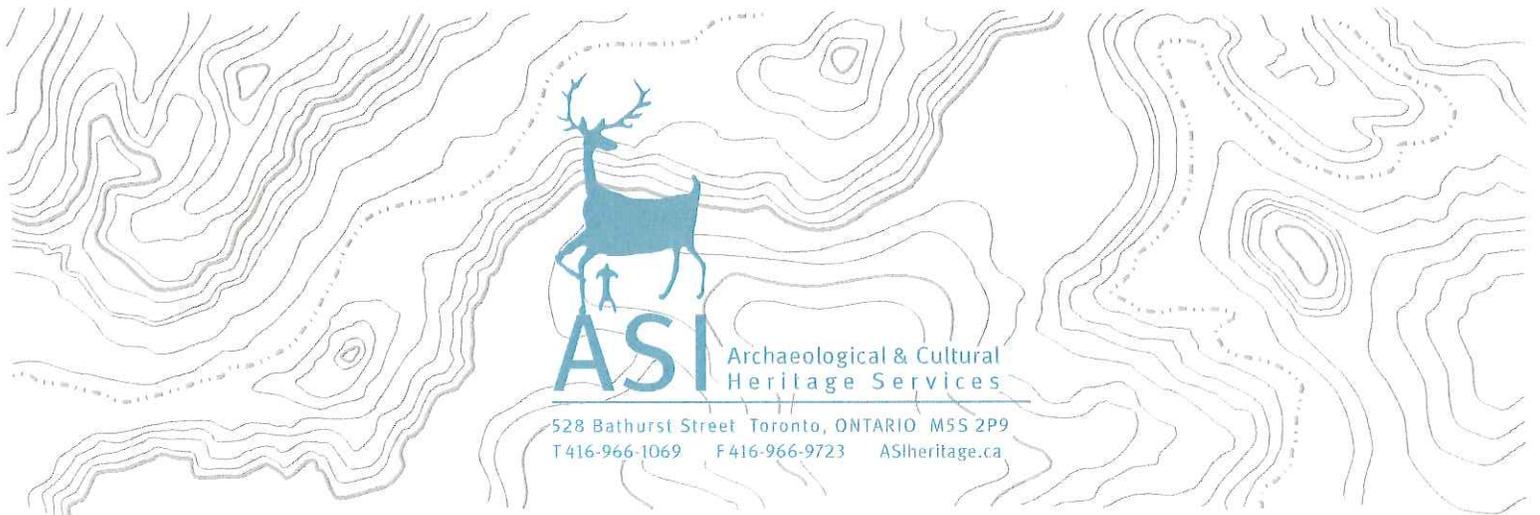
**SUPPLEMENTARY DOCUMENTATION**

Prepared for:

**Kirby 27 Developments Limited  
c/o Malone Given Parsons Ltd.  
140 Renfrew Drive, Suite 201  
Markham, ON L3R 6B3  
T 905-513-0170**

Archaeological Licence P046 (Clish)  
Ministry of Tourism, Culture and Sport PIF P046-0183-2016  
ASI File: 16TS-062

26 April, 2017



## 1.0 DETAILED SITE LOCATION INFORMATION

<b>Project:</b>	Stage 1 and 2 archaeological assessment of 11363 Highway 27, part Lot 30, Concession 8, Geographic Township of Vaughan, York County, now in the City of Vaughan, Regional Municipality of York, Ontario				
<b>ASI File:</b>	16TS-062	<b>MTCS PIF:</b>	PO46-0183-2016		
<b>GPS Model &amp; Type:</b>	Garmin Oregon 450				
<b>UTM Grid Zone:</b>	17T	<b>Datum:</b>	NAD 83	<b>Method of Correction:</b>	—
Site/Findspot	UTM Co-ordinates	Error (+ / -)	Co-ordinate Type	Elevation (asl)	Conditions
P1	609295 4857768	5 m	Findspot	225 m	Optimal
AlGv-406	609493 4857640	5 m	Centre	222 m	Optimal
	609494 4857669		North Limit	221 m	Optimal
	609497 4857615		South Limit	222 m	Optimal
	609468 4857639		West Limit	225 m	Optimal
	609518 4857654		East Limit	218 m	Optimal
Fixed Landmark	608969 4857825	5 m	Intersection of Highway 27 and Kirby Road	226 m	Optimal

## 2.0 DETAILED SITE LOCATION MAPPING

See the following pages for detailed site location mapping.







	<p>0 25 Metres</p> <p>ASI PROJECT NO.: 18TS-402 DATE: 29 Sep 2016 DRAWN BY: BW FILE: 18TS402_S0_F02</p>
<p>BASE</p> <p>© The DigitalGlobe, GeoEye, Earthstar (USA), Air Imagery, IGN, Intermap, Inc, Swire, GeoEye, Inc, etc. All Rights Reserved.</p>	<p>Subject Property  Test Unit </p> <p>Site Boundary  Surface Find </p> <p>Negative Test Pit  Positive Test Pit </p>
<p>Archaeological &amp; Cultural Heritage Services 528 Bathurst Street   Toronto, ONTARIO M5S 2P9 416-966-0069   416-966-9723   info@ahs.ca</p> 	<p>Path: X:\2016 Project\18TS-402\Map\Kleinburg\View\18TS402_workspace.mxd</p>

Figure 2: Stage 2 Archaeological Assessment Results - AIGV-406



# Konrad Sioui

Grand Chef de la Nation huronne-wendat  
Grand Chief Huron Wendat Nation

March 17, 2009

The Honourable Dalton McGuinty  
Premier of Ontario  
Legislative Building, Queen's Park  
Toronto ON M7A 1A1

Dear Premier,

Re: **Huron-Wendat Nation**  
**Protection of our Nation's Aboriginal Rights and Interests in Ontario**

*Copies: Simon P.  
Heather B.  
Luc Lanoé*

I am the newly elected Grand-Chief of the Huron-Wendat Nation in Wendake, Quebec. The Huron-Wendat Nation and our ancestors occupied south-central Ontario for thousands of years. The Huron-Wendat people never surrendered our ancestral territory in Ontario, our Treaty rights were confirmed by the Supreme Court of Canada and our Section 35 Constitutional rights are not extinguished.

I write to your government to express our critical concern that sacred and important cultural heritage sites in our traditional homeland of Ontario are under direct threat from development. We have received scores of Notices for environmental assessment undertakings, calling us to consultations over projects that affect our rights and interests in Ontario, but there are no resources or funding to facilitate meaningful participation.

While we appreciate being circulated in these cases, a right we won through the courts, we are utterly without capacity to deal with the volume of requests, even though some of these are projects initiated by your government. You have failed to provide us with a response to our previous minimal funding request, which appears to be your obligation given the recommendations of Justice Sidney Linden's report of the Ipperwash Commission of Inquiry.

This unfairness must end immediately either by stopping all of these projects until a proper consultation protocol has been concluded between our two Nations or by providing interim funding to allow us to respond to these requests in a meaningful way while the protocol is being developed.

12

March 17, 2009

Our long occupation in central Ontario is evidenced by the hundreds of village and ossuary sites, sacred places and significant landforms used by our ancestors. We commend your government for protecting and committing to rename four significant villages on the Seaton lands in Pickering, Ontario and we applaud the City of Toronto for protecting one of our ancestral village sites along the Rouge River through the purchase of lands from a development company as well as their efforts to commemorate another one of our villages called Alexandra in northeast Toronto.

Amidst these few successes, too many important sites are being lost. Our representatives appeared before Justice Linden at the Ipperwash Commission of Inquiry to present evidence of the extraordinary loss of our cultural heritage sites to development. Allow me to quote an extract from Justice Linden's Report:

*"8,000 sites in York, Peel, Durham, and Halton alone have been cleared to make way for development. A quarter (2,000) of these sites were deemed to be significant."*

The majority of the 2,000 significant sites obliterated by development were Huron- Wendat in affiliation. Development permitted by your government is scrubbing the history of our people from the land. This is a profound loss for our Nation and is utterly inconsistent with a generous society like Ontario that is so welcoming to new cultures.

Destruction of our sites continues on your government's watch despite our pleas to commence dialogue. We have not received assurance from your government, for example, that the nationally significant, late sixteenth century Huron town known as Skandatut will be protected. Skandatut sits on a bluff overlooking a major tributary of the Humber River, in Vaughan Ontario. As I write this letter, a developer holds a permit issued by your Minister of Culture to destroy this site. Skandatut was once home to thousands of people at a time when First Nations and early Europeans first made contact. It is at this site that we find the tangible evidence of Huron-Wendat leaders making the decision to confederate with other ancestral Wendat people representing a pivotal moment in our history and the history of Ontario and Canada. How is it then that we have not received assurance that Skandatut will be protected in perpetuity for ours and future generations?

Our people are also terribly disillusioned by the partial destruction of the Teston Road Ossuary when we have evidence that this was an avoidable event. While York Region acted promptly to restore the damage done to this site, we do not have assurances from your government that this will not happen again.

Furthermore, most Huron-Wendat towns in historic Wendake in Simcoe County have no protection whatsoever. Some of these sites are provincially or nationally significant. As recently as January 2009, we received news of a decision of the Ontario Municipal Board permitting construction of a development adjacent to the Atherley Narrows in Orillia, Ontario that contains First Nations human remains and clear evidence of settlement of ancestral Huron-Wendat. The Board's decision was rendered in spite of the fact the City of Orillia opposed the application and desired the protection of our resources. We note that this hearing was conducted without Notice to the Huron-Wendat Nation.

Ontario Regulation (O/Reg. 543/06), a regulation we challenged unsuccessfully in court, puts the rights of municipalities, ratepayers, school boards, conservation authorities, utilities and even Rogers Cable above those of First Nations. Under its terms, Notice to First Nations is only required when a project threatens a site within one kilometre of a Reserve, a provision that ensures that the Huron-Wendat Nation will never receive Notice of any development project that may impact our Constitutionally-guaranteed rights and interests. In our opinion this is unlawful but it is also immoral. Both my predecessor Grand-Chief Max Gros-Louis and Ontario Regional Chief Angus Toulous wrote to your Minister of Municipal Affairs in 2007 on an urgent basis to correct this problem, with no response.

O/Reg 543/06 is a relic of the past; it pre-dates the repatriation of the Canadian Constitution in 1982 and it is profoundly racist. The Canadian Constitution expanded the rights of First Nations creating a concept of First Nations rights that is far greater than matters affecting interests on or nearby Reserves. First Nations are entitled to be on the same footing and receive the same rights of natural justice as Rogers Cable and Canada Post when our sites and history are being threatened and destroyed. Do you not agree?

Premier, to turn a corner on this unfortunate treatment of our heritage, there are human skeletal remains of our ancestors that need repatriation as soon as possible. Indeed, the remains of over 2,000 of our ancestors have been stored in banker's boxes, without our consent, in a building at the University of Toronto. Despite its location in the heart of our traditional homeland, the University does not commemorate or interpret our occupation, no courses are taught about our history at this campus, and we are frustrated by a lack of funding for the repatriation effort, the result of which has been a terribly slow pace at liberating the souls that should never have been disturbed in the first place. The site from which one of the collections of human remains was removed in the 1960s is in your government's hands and is being administered by the Ontario Heritage Trust. The village of Skandatut is connected to this site, known as the Kleinberg Ossuary. This connection presents an unique opportunity to preserve and enhance a sacred landscape by restoring the link between the two sites in their natural setting.

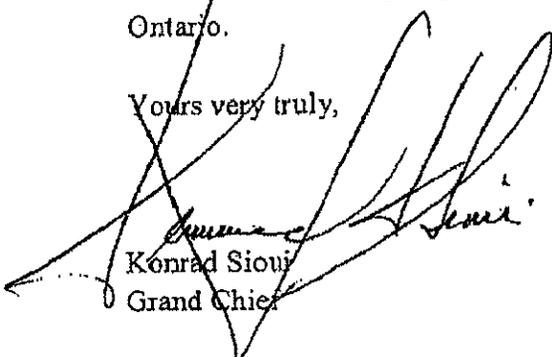
The Honourable Dalton McGuinty  
March 17, 2009

We respectfully request that your government now seize this matter and join us in an urgent effort to repatriate our ancestor's remains to the ground at Kleinberg. We urge you to instruct the Ontario Heritage Trust to secure the Skandatut site and work with us to properly re-inter the remains of which I speak and commemorate properly this sacred landscape. I note that the Ontario Heritage Trust allowed this burial site to be disturbed, against our wishes, as recently as 2007.

We have appointed people to work with your representatives. Council has great confidence in our Liaison Designates for Ontario, Madam Heather Bastien and Mr Luc Laine, and our legal counsels, Mr Simon Picard and Mr David Donnelly.

On behalf of my Council, I would like to meet with you as soon as possible to discuss righting the historical and ongoing assault on the history and rights of the Huron-Wendat Nation in Ontario.

Yours very truly,



Konrad Sioui  
Grand Chief

Cc B Fisch, Chairman and Chief Executive Officer, Regional Municipality of York  
R. Anderson, Regional Chair, Region of Durham  
T. Guergis, County Warden, County of Simco  
D. Miller, Mayor, City of Toronto  
B. Duguid, Minister of Aboriginal Affairs  
A. Carroll, Minister of Culture  
J. Watson, Minister of Municipal Housing and Affairs  
L. M. Alexander, Chairman, Ontario Heritage Trust  
D. Petersen, The Chancellor, University of Toronto



BARRISTER & SOLICITOR

David R. Donnelly, MES LLB  
david@donnellylaw.ca

June 12, 2019

The Mayor and City Council  
City of Vaughan  
2141 Major Mackenzie Drive  
Vaughan, ON L6A 1T1

c	<u>6</u>
Communication	
COUNCIL:	<u>June 12/19</u>
<u>CW</u>	Rpt. No. <u>20</u> Item <u>5</u>

Your Worship and Members of Council,

**Re: 4433, 4455 & 4477 Major Mackenzie Drive  
Valley Major Developments Limited  
Official Plan Amendment File OP.17.005  
Zoning By-law Amendment File Z.17.013**

Donnelly Law ("we" or the "Firm") represents Mr. Richard Rodaro ("Client"), residing at [REDACTED] Woodend Place, Vaughan, Ontario, in respect of the above-noted matters.

The purpose of this letter is to reiterate that the re-submission recommended by the Committee of the Whole ("COW") and under consideration by Council is unacceptable to our Client, and that COW's consideration of our submissions has failed the public interest.

This letter supplements the correspondence from our office dated June 3, 2019, our presentation of June 4, 2019, the September 19, 2017 letter to the COW that also objected to the development and a follow-up letter to Council dated September 26, 2017. We will not repeat all of the outstanding issues and reasons set out in our previous correspondence but request Council to give them serious consideration before reaching a decision on this matter.

By approving the recommendation of the COW, Council risks failing it's acknowledged "fiduciary responsibility to represent the people" by not having responded to, or effectively represented the affected residents' outstanding objections following the Public Hearing. Council's approval would not be consistent with nor respect the terms of the Vaughan Accord executed by the current members of Council on December 4, 2018, including:

- To behave at all times consistent with the City's core value of accountability;
- To provide transparent governance; and
- To provide through effective communication meaningful and inclusive citizen engagement.

### **COW Meeting June 4, 2019**

At the June 4<sup>th</sup>, 2019 COW meeting, Councillor DeFrancesca stated on the record and argued about the neighbourhood's support of the Countrywide development within the same subdivision as the proposed Subject Lands. The Councillor did not attend that LAPT hearing, at which an unprecedented six ratepayers' groups formally participated, and gave statements under oath, in support of Mr. Rodaro and the Vaughan Official Plan policies on preserving established neighbourhoods. We attach for your review Participant Statements from that hearing so you may satisfy yourselves in this regard.

These statements and the testimony of residents all rely on the Official Plan Section 9.1.2 Urban Design and Built Form policies and what Vaughan's website says about new residential infill development:

Policies 9.2.3.1 and 9.2.3.2 articulate the development criteria for those three building types, reinforcing and reiterating that **new development on lands designated Low-Rise Residential will be required to “respect and reinforce the scale, massing, setback and orientation” of other units of the same type in the immediate area.** Townhouses generally are required to front onto a public street, and rows of townhouses shall not exceed six attached units.<sup>1</sup>  
[emphasis added]

These policies apply to the Subject Lands.

If Council approves this development, it will be selectively abandoning these policies rather than ensuring they will apply consistently and comprehensively for all residents for whom they were intended in established neighbourhoods in the Community Areas.

These policies were approved subject to public engagement and scrutiny; they are intended and represented as requirements for new development, in order to ensure the continued viability, stability, integrity and character of neighbourhoods, which homeowners invest in when moving to Vaughan.

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<sup>1</sup> [https://www.vaughan.ca/projects/policy\\_planning\\_projects/General%20Documents/Low%20Rise%20Residential/Att%204%20Urban%20Design%20Guidelines%20for%20Infill%20Development.pdf](https://www.vaughan.ca/projects/policy_planning_projects/General%20Documents/Low%20Rise%20Residential/Att%204%20Urban%20Design%20Guidelines%20for%20Infill%20Development.pdf)

Exempting development proposals on a piecemeal basis destabilizes and fractures established neighbourhoods; it erodes the long term sustainability and diversity of property and housing selection within the City by pandering to immediate market trends; it prioritizes opportunistic development and inconsistently manages growth over residents' rights and their reasonable expectations for consistent policy application and for transparent and accountable governance.

At that same COW meeting, Councillor DeFrancesca went on to state that she personally went door-to-door in the cold to local residents' homes to ensure the entire community was included in an effort to address concerns, but neglected to mention that for that meeting, among others, she did not notify either Mr. Rodaro's family or his registered ratepayers' association.

In fact, Mr. Rodaro was not advised about three of the five community meetings held in response to public objections to the Country Wide applications. With regard to the original Valley Major applications presented at a Public Hearing, Mr. Rodaro had to resort to documenting in writing Councillor DeFrancesca's failure to return his calls or emails to discuss his concerns before Council's scheduled vote on the recommendations from Public Hearing, which included an unusual and concerning recommendation concerning VOP 2010 Site Specific Policy 13.15. That correspondence dated September 26, 2017 was copied to the Mayor and Members of Council at the time. Councillor DeFrancesca later admitted that although she had read Mr. Rodaro's submissions at Public Hearing that she did not understand them. Mr. Rodaro offered to meet to explain them further. It did not happen.

Accordingly, we respectfully request that the Mayor and Councillors each fully and independently review the matters in our letter dated June 3, 2019 to the COW before satisfying themselves whether or not to approve these revised applications.

We respectfully highlight the following:

After the Public Hearing on September 19, 2017, Councillor DeFrancesca arranged a follow-up meeting regarding objections to the proposed redevelopment. City staff were not included at that meeting. At that meeting, Councillor DeFrancesca admitted she did not understand the substance of our Client's concerns and tabled those and the traffic issues (including the U-Turn requirement for the majority of traffic entering the proposed site and the resulting further traffic congestion implications) for her to look into for further discussions towards a resolution through future meetings with residents, the developer and, if necessary, City staff.

To our Client's knowledge, no further discussions, reports or meetings occurred. In addition, the substance of the discussions of that meeting appears absent from the Staff Report, such that it is not clear in what context – if at all – they were relayed to City Staff by the Councillor. This conduct is contrary to the meaningful and inclusive citizen engagement through effective communication, which residents have been assured they can expect from the City of Vaughan.

The Staff Report being recommended by the COW in addressing a number of residents' comments provided at the Public Hearing has in instances mischaracterized the issues or failed to address them substantially. We refer you to our June 3<sup>rd</sup> letter for these details and specifically the comments including:

- appropriateness of the proposed development;
- proposed density of the development;
- traffic impact and congestion;
- impact on the abutting Natural Heritage Network;
- VOP 2010, Volume II - Site Specific Policy 13.15; and
- the Community Area Policy Review for Low Rise Residential Designations.

These deficiencies of the staff report compromise the comprehensiveness of the review and the reliability of the COW recommendation to Council and undermine the City's meaningful accountability to the public and transparency in Council's decision-making process.

### **First Nations Notice**

It bears repeating that at the Public Meeting held September 2017, our Client formally requested that the City of Vaughan immediately send notice of these applications to potentially affected First Nations. Council to the proponent is simply wrong to state that conforming to the *Planning Act* regulation ends the City's duty to First Nations. As we presented to the COW, the Canadian Constitution in s. 35 expanded the rights of First Nations creating a concept of First Nations rights that is far greater than matters affecting interests on or nearby Reserves. First Nations are entitled to be on the same footing and receive the same rights of natural justice as school boards and telecommunications companies.

In addition, the City of Vaughan pledged to acknowledge Truth and Reconciliation with First Nations at the June 5, 2017 meeting of Council:

Since the release of the Truth and Reconciliation Commission report in 2015, many public institutions across Canada have made commitments to reconciliation based on a mutually respectful relationship with Aboriginal peoples. In the spirit of reconciliation, many municipal

governments across Canada have adopted territorial acknowledgments to precede Council meetings and other gatherings.<sup>2</sup>

What steps since 2015 the City of Vaughan has undertaken to act upon this pledge is unclear, but to dismiss our Client's request and not contact the Huron-Wendat Nation - with known, nearby historical settlements - or any other First Nation – with a potential interest appears contradictory to the City's pledge, rendering it a mere platitude. It may not be incumbent upon the City of Vaughan alone to undertake the appropriate amendments to the *Planning Act* or to require the applicant to fulfill requirements to right the attendant and long outstanding wrongs, but the City is capable of locally enabling - in a meaningful and respectful way – a simple notification towards the greater reconciliation of the tragic divide which has emerged as a national crisis. It appears the City is instead unwilling, even when the issue is brought to its attention by one of its current citizens on behalf of those who have resided here long before him.

### **VOP 2010 Site Specific Policy 13.15**

As stated in previous correspondence, the City has acknowledged that this site specific policy was approved in response to community concerns for ensuring comprehensive planning for the area, which includes VOP 2010 policies 9.1.2.2 and 9.1.2.3, which these applications seek exemption from. Neither staff nor Council has refuted or satisfied our client's concerns about the inherent implications for the integrity of the resulting planning review, in principle or in practice.

The professional review of a development proposal, whose own application and justification reports are deemed to satisfy a study intended to determine the framework for reviewing the said proposal – or any development proposal - on the Subject Lands clouds transparency; circumvents accountability; and in this case precludes the meaningful and inclusive public engagement that a city initiated study could and likely would have enabled – all in violation of the Vaughan Accord. It also precludes the comprehensive study and review deemed necessary.

Policy 9.1.2.3 provides that the preparation of any future, City-initiated, area specific or comprehensive zoning by-laws for these lands be guided by the specific Urban Design and Built Form elements ultimately determining land use density and required within policy 9.1.2.3. These provisions would not have permitted approval of this or a similar proposed development, but were arguably avoided by the maneuver of substituting the proponent's application and reports for the intended study, raising still

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<sup>2</sup> [http://www.vaughan.ca/council/minutes\\_agendas/Extracts/21cw0523\\_17ex\\_10.pdf](http://www.vaughan.ca/council/minutes_agendas/Extracts/21cw0523_17ex_10.pdf)

further serious concerns about the propriety of the City's conduct and the comprehensiveness of the City's review of this application.

**Community Area Policy review for Low Rise Residential Designations, OPA 15 and the recommendation to amend VOP 2010 Sections 9.1.2.2 and 9.1.2.3 to permit the proposed development.**

The 91-unit subdivision proposed at 48/u/ha, as designed, cannot meet the requirements of the Official Plan Urban Design and Built Form Policies 9.1.2.2 and 9.1.2.3. However, neither does it conform to the Community Area policies 2.2.3.2 and 2.2.3.3., but no amendment to these policies is being required of the application.

Policy 2.2.3.2 requires permitted new development to respect and reinforce the existing scale, height, massing, lot pattern, building type, character, form and planned function of the immediate local area. Policy 2.2.3.3 permits limited intensification in accordance with the policies of Chapter 9 and requires development to be sensitive to and compatible with the character, form and planned function of the surrounding context.

The Subject Lands are located within an existing development in the Community Areas. They are immediately surrounded on three corners along their north and west limits by rural features: Natural Lands and Countryside designations including Greenbelt, active farmland and estate residential; they contain and abut an A.N.S.I. Natural Heritage Network designation including protected woodlot and wetlands within an estate residential subdivision. The Capo DiMonte condominium building borders only six percent of the entire perimeter of the Subject Lands and is the only non-rural land use or zoning in the immediate and visual area. The surrounding area includes hundreds of acres of the East Humber River valley conservation.

As reflected in the COW comments, the City refuses to recognize this existing neighbourhood as a Stable Area identified in (i) the Official Plan, (ii) the Community Area Policy Review and (iii) OPA 15. Instead the recommendation to Council is to amend the Official Plan to exempt the Subject Lands from the very policies intended and publicly represented to apply to them - in order to approve development not permitted under the Official Plan and to the detriment of existing residents.

Council's approval of OPA 15 represented these Official Plan policies as conforming with both the *Provincial Policy Statement*, 2014 and the *Provincial Growth Plan for the Greater Golden Horseshoe*, 2017. If this is indeed true, then new development for the Subject Lands, which is also subject to these provincial policies, must also be required to conform to these Official Plan policies, without conflict from provisions of the provincial policy, and without exemption from Official Plan Policies 9.1.2.2 and 9.1.2.3.

This development does not. The alternative is that Council has approved policies it cannot and will not defend and upon which residents cannot rely as represented to them by City staff, its consultants and Council.

**LPAT File PL170805 Hearing and Decision, Country Wide Homes, 11, 31 and 51 Woodend Place, Decision dated December 20, 2018**

Notwithstanding the question posed by Councillor DeFrancesca to staff during the COW meeting, we reiterate that it is premature as well as prejudicial relying in whole or in part at this time upon the LPAT Decision of December 20, 2018 to justify the City's further approval of infill redevelopment in this subdivision and neighbourhood that does not conform with the Community Area and Urban Design and Built Form policies and requirements of the Official Plan. The Decision allowed the appeals, in part. While it directed the Applicant to modify and amend the proposal and submit revised instruments – which we believe has been done – the order continues be withheld and the Decision subject to our client's Request for Review.

**Natural Heritage Network**

Council has not sufficiently protected the Provincially Significant Wetland ("PSW") and Area of Natural and Scientific Interest ("ANSI").

Our Client is troubled by some Members of Council's seeming disregard for environmental experts when faced with potentially inconvenient information contrary to a staff report. The previous Council saw fit to deem Valley Major's environmental reports to satisfy the requirements of an intended City-initiated study pursuant to VOP 2010 Volume II Policy 13.15, towards establishing the appropriate development form of these lands, notwithstanding that those reports were commissioned by the applicant and undertaken in support of the applicant's development proposal and not for any public or broader scope.

Yet during last week's COW debate about the Copper Creek Golf Course development, Councillor L. Jackson dismissed the conclusions of Natural Resources Solutions Inc., a very reputable firm often retained by the Toronto Region Conservation Authority as a "butterfly company". What does this say to residents? Don't bother Council with expert opinions and peer reviews, the City always gets it right?

It should be noted that the City Staff and Council were wrong about the required minimum buffer for the Kleinburg Significant Woodland, according to the Local Planning Appeal Tribunal ("LPAT"), PL1707805. The evidence for that finding was lead by our Client's environmental expert, who dared to challenge the City's approval and

the TRCA's compromise. Furthermore the principle of allowing incursions into minimum buffer limits in exchange for additional buffer area elsewhere was not accepted by the Tribunal. In this application today, Council is being asked to approve incursions again, and the outright removal of a 2.32 ha MNRF designated Provincially Significant Wetland in exchange for disturbing yet another area of the Marigiold Creek corridor and creating a new wetland there.

City Staff and Council were also wrong about the minimum width of the necessary wildlife corridor required at the Grand Trunk Ravine, according to LPAT. How then can Councillors say being informed by outside expertise is a waste of time? This again contradicts meaningful and inclusive citizen engagement through effective communication. And how can the Staff Report ignore these precedents and still be deemed a reliable source – let alone the sole reliable source - for decision making by Council? We submit to you that it cannot and in this case should not.

### **Conclusion**

Quite simply, Council should not approve the development re-submissions recommended by COW.

Please do not hesitate to contact me at 416-572-0464, or by email to [david@donnellylaw.ca](mailto:david@donnellylaw.ca), cc'ing [alexandra@donnellylaw.ca](mailto:alexandra@donnellylaw.ca) should you have any concerns.

Yours truly,



David R. Donnelly

cc. Client  
Millwood Woodend Ratepayers' Association  
Greater Woodbridge Ratepayers' Association  
Vellore Woods Ratepayers' Association  
Mackenzie Ridge Ratepayers' Association  
Capo Di Monte Condominium Association

**OMB HEARING**

Monday September 10, 2018

<b>Subject:</b>	<b>Proposed Plan of Subdivision</b>
<b>Property Address/Description:</b>	<b>11, 31, 51 Woodend Place/ Part of Lot 20, Concession 6</b>
<b>Municipality:</b>	<b>City of Vaughan</b>
<b>Municipal File No.:</b>	<b>19T-15V011</b>
<b>OMB Case No.:</b>	<b>PL170805</b>
<b>OMB File No.:</b>	<b>PL170805</b>
<b>OMB Case Name:</b>	<b>Rodaro v. Vaughan (City)</b>
<b>PROCEEDING</b>	

**Re: 11, 31, 51 Woodend Place, Vaughan ON (Country Wide Homes Woodend Place Inc.)**

My name is Elvira Caria and I represent the **Vellore Woods Ratepayers Association**, the Ratepayer Group directly adjacent to the east of the property in appeal today. Our Association was involved in initial negotiations and meetings with both City Staff and the Applicant.

Substantial, outstanding concerns remain unresolved which brings us here today. ***The Vellore Woods Ratepayers Association requested participant status as we are opposed to the application as it has been approved by the City*** and it is our strong opinion that it fails to meet fundamental principles as set out in various planning statutes, including but not limited to, policies under the Natural Heritage Network in the Vaughan Official Plan 2010, as well failure to abide by VOP 2010 planning policies and most recent their own "Community Area Policy Review for Low Rise Residential Designations" document.

We are here to support Mr Richard Rodaro, and argue that we are most importantly here to ensure that policies as set out in Vaughan's own Official Plan are to be adhered to in order to protect communities & residents within them. We argue in this particular case, those policies have been severely ignored, despite our continuous efforts as a ratepayers group who have participated and commented on behalf of the residents and the community from day one this application.

**VAUGHAN OFFICIAL PLAN –NATURAL HERITAGE NETWORK**

The issue of environmentally sensitive features was consistently and continuously brought forth at our negotiation discussions, to both the Applicant and City Staff

present. We sited the concerns that this application, specifically the degree of intensification, would have on the environmentally sensitive features adjacent to this proposed development. Too much intensification so close to what is predominantly green belt surrounding it.

We had concern for both the Kleinburg Woods and Marigold Creek stream corridor which are designated as “Core Features” by Schedule 2 – *Natural Heritage Network* in the Vaughan Official Plan 2010 (“VOP 2010”)

We questioned and still question WHY Staff ignored their own policies specific to the proposed 6 meter buffer for the Woodland, where a minimum 10 meter buffer is required. Why would they ignore policies they created –to PROTECT the environmental sensitivity of the area?

My concern and what remains a question I have yet to hear a satisfactory answer for is WHY are we making EXCEPTIONS to the policies rather than ENFORCING the policies set out in the VOP 2010. The RULES are in place for a reason –SO ENFORCE THEM ....There is a reason why the policy states 10 meter buffer –and not 6 meter ....

## VAUGHAN OFFICIAL PLAN 2010 PLANNING POLICIES

The Vaughan Official Plan 2010 requires new residential development to respect and reinforce the established neighbourhood characteristics. More specifically, it states that it is the policy of Vaughan Council that:

- Community Areas with existing development are not intended to experience significant physical change [Section 2.2.3.2];
- New development is permitted that respects and reinforces the existing **scale**, height, massing, **lot pattern**, **building type**, character, form and planned function of the immediate local area [Section 2.2.3.2];
- **Limited** intensification may be permitted in Community Areas but must be sensitive to and compatible with the character, form and planned function of the surrounding context [Section 2.2.3.3];
- New development in Community Areas must be designed to respect and reinforce the physical character of the established neighbourhood within which it is located [Section 9.1.2.2]; and
- In order to maintain the character of older, established residential neighbourhoods characterized by large lots and by their substantial rear, front and side yards and their lot coverages that contribute to expansive amenity areas, that further specific policies shall apply to all developments in these areas based upon the current zoning. [Section 9.1.2.3]

It was pointed out on day one of this hearing that according to the Applicant, this application was in keeping with the existing community to the east of the development, completely ignoring the obvious that it is in fact the west of this

application where most of its natural heritage is located and that the built form and frontages of the homes WEST of this application are nowhere near being integrated into the development proposal. To ignore this is to be insulting to residents. Does this applicant think we don't SEE the Western portion of this community? Again, there are clear policies set out as mentioned above that speak directly to this application and the lack of adherence to many of the policies as stated above. And again, I have continuously stated on deputation that the City needs to decide: ARE YOU ENFORCING THE YOUR OFFICAL PLAN –OR AREN'T YOU?

Over my last 18 years—I have seen time and time again staff reports that **justify** their approvals because –well— the Official Plan ‘allows for this....’

But when the Official Plan doesn't allow for certain proposals – somehow there are ‘exceptions’ and residents are left dumb founded- and confised over the lack of consistency and ENFORCEMENT (Today we enforce the OP—tomorrow we don't)

### **LOW RISE RESIDENTIAL DESIGNATIONS POLICY REVIEW**

In addition to the VOP policies referenced above, it is important to note, and perhaps in my opinion, the most important of my objections, is one of low rise residential designation policy. In 2015 to 2017 the City of Vaughan undertook a “Community Area Policy Review for Low Rise Residential Designations”.

Part of this review included a “Proposed Schedule 1B for VOP 2010: Areas Subject to Policy 9.1.2.3 – Vaughan's Established Large-Lot Neighbourhoods”, of which The Woodend Place subdivision was identified ....

In spite of this, City of Vaughan Council approved the Country Wide application without apparent regard for the specific requirements of policy 9.1.2.3.

The same exact policy that **they** themselves researched, studied and ultimately **identified**...resulting in the now “Low Rise Residential Designations” policy.

I have been the Chair of the Vellore Woods Ratepayers Association for close to 18 years now and we have been lobbying Council and the City to create such a policy that would in fact protect existing communities and clearly set out not just guidelines for future developments (that could ultimately be challenged) but rather put into place POLICIES entrenched in the Official Plan 2010 in order to protect residents when challenged right here at the BOARD.

I spoke on deputation at the Committee of the Whole on April 4<sup>th</sup> 2017 specific to this item and I applauded City Staff and Council for their tremendous hard work on this review. It was clear that we appeared to be moving in the right

direction, and that things like setbacks, lot coverage, heights and any and all matters that speak to 'compatibility with neighbourhood character' had been clearly articulated in this report and a case for the importance of protecting this had been well made by Staff.

It was obvious that the issue of INTENT for COMPATABILITY was necessary –so that there was no 2<sup>nd</sup> guessing or leaving it up to interpretation...NO AMBIQUITY

Regardless of whether this specific application came before the Low Rise Review study or not, it is clear that the report identifies policies that are already in place –and really speaks to the importance of enforcement of those policies.

So, my question is HOW and WHY are we ignoring the fundamental principles of The Official Plan and all that it is intended to do?

Elvira Caria  
[REDACTED] Bunting Drive Woodbridge On  
[REDACTED]

September 12, 2018

Re: LPAT Case No. PL170805

To whom it may concern:

Having reviewed the Planning Department's recommendation related to the subject case & with the Vaughan Official Plan (in its entirety) in context along with significant community involvement to refer to, the following represents a collective community response including a rebuttal to some of what is contained within Planning's recent submission (not exhaustive):

**Community Response to Planning's Recommendation**

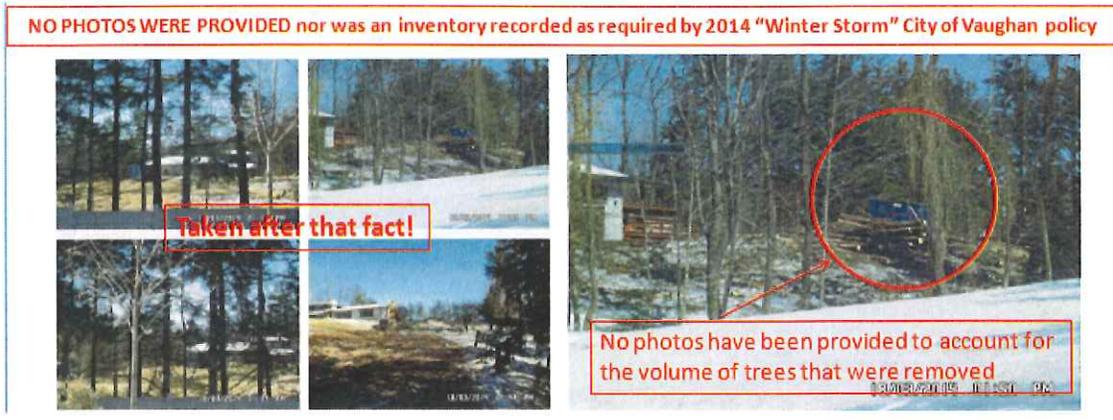
- Communications Plan
  - "...circulated to all property owners within 150m of the subject lands..." NOT TRUE!
    - Residents on Woodend Place did not receive notification. When residents raised this concern during the February 17<sup>th</sup>, 2016 community meeting, city officials stated, in an open forum that those homes were "abandoned" which, was not accurate. Only after the community engaged these residents were they then included in subsequent communications
  - "Additional working sessions between City of Vaughan staff, the agent, and a smaller working group comprised of local residents and stakeholders were arranged through the Local Councilor's office on September 9, 2016, September 26, 2016, and December 21, 2016." INCOMPLETE DETAILS!
    - OMB was leveraged early in the discussion
    - City Staff did not correct inaccurate statements that were made during these sessions & instead residents had to quote policy to counter claims being made (e.g. development has to be economically viable, lands permit towns, etc...)
    - November 10<sup>th</sup> community meeting noticeably absent where Forestry Services acknowledged removal of tree from 31 Woodend **WAS NOT DOCUMENTED** (completely contradicts statements made later in the recommendation)
  
- A) The proposed development does not meet "any" of the goals or objectives of Vaughan Official Plan 2010 (VOP 2010) NOT TRUE!
  - At no point has the community suggested the proposal does not meet "any" of the VOP objective. In fact, there are very specific references to what the community believes are not being met including (not exhaustive):
    - Chapter 1
      - 1.5
        - Goal 1 (...This Official Plan seeks to maintain the stability of existing residential communities....)
        - Goal 8 (...Intensification Areas have been limited to 3% of the overall land base to protect existing Community Areas and Natural Areas.)
    - Chapter 2
      - 2.2.3.2 That Community Areas are considered Stable Areas and therefore Community Areas with existing development are not intended to experience significant physical change.
    - Chapter 3
      - 3.2.3 Natural features such as wetlands, woodlands and the extensive valley and stream corridors are identified as Core Features to be protected and enhanced.

- Chapter 9
    - 9.1.1.8. "...protecting and enhancing the Core Features..."
    - 9.1.2.2 That in **Community Areas with established development, new development be designed to respect and reinforce the existing physical character and uses of the surrounding area**
    - 9.1.2.3 Within the Community Areas there are a number of older, **established residential neighbourhoods that are characterized by large lots and/or by their historical, architectural or landscape value**...In order to maintain the character of these areas the following policies shall apply to all developments within these areas (e.g., land severances, zoning by-law amendments and minor variances), **based on the current zoning, and guide the preparation of any future City-initiated area specific or comprehensive zoning by-laws affecting these areas**. (refer to point a thru g)
    - 9.2.3.1b In Community Areas with **existing development**, the scale, massing, setback and orientation of Detached Houses and Semi-Detached Houses will **respect and reinforce** the scale, massing, setback and orientation of other built and approved Detached Houses and/or Semi-Detached Houses in the immediate area.
  - Chapter 10
    - 10.1.2.37. "...without encroachment on the Natural Heritage Network."
- Planning's assertion that the proposal is "compatible but not identical to the surrounding residential community is simply NOT ACCURATE. The design, size, shape, etc... being proposed is NO WHERE to be found within the immediate community & requires Planning to refer to an area well out of context to attempt to justify this statement. The document also refers to the Royal Pine condo for some reason which, again is out of context & not relevant (that development is a travesty unto itself!)
- B) The proposed development will erode the surrounding estate residential community
  - While the recommendation references the benefits the Low Rise Residential policy updates, to be clear this study simply reinforces the fact that this proposal remains non-compliant. There are significant examples within the existing VOP to support a decline of this recommendation in its current form (refer to above)
- C) The proposed development does not respect the character of the surrounding community
  - Planning references the revisions of the proposal however, what is glaringly obvious is the initial submission was so far out of context (& still is), the subsequent changes revisions, while welcomed; continue to be well out of context. It would be akin to the community suggesting only 1 home be built to replace 3, later relenting to suggest 3 estate homes.
  - Again, Planning references that the proposal is "compatible but not identical" to the surrounding lots. This is simply NOT ACCURATE & requires Planning to refer to an area well out of context to attempt to justify this statement
- D) The proposed built form will have a negative impact on the existing community
  - "...along the south side of Major Mackenzie Drive between Weston Road and Pine Valley Drive..." ARE RESIDENTS REALLY SUPPOSED TO BELIEVE THIS TO BE REASONABLE!!! By this logic, any development in any part of Vaughan can simply point to similar design because it exists somewhere in Vaughan. THIS IS A VERY DISAPPOINTING ATTEMPT TO JUSTIFY WHAT IS CLEARLY UNREASONABLE!!!
- E) The proposed style is not consistent with the character of the existing community
  - Refer to A

- F) The proposed extension of Via Borghese will increase traffic and decrease safety for the existing community
  - While the traffic study is acknowledged, there have be countless examples of Planning relenting to accommodate developers (e.g. The Mack, one entrance, 200 units) yet no consideration being given to what is important to the community!
  - Seeing as Block 42 on plan 65M-4149 is held by the City of Vaughan, & condition to remove the Holding Symbol "(H)" is dependent on the City approving development for the lands to the west, there is opportunity for meaningful discussion to arrive at a mutually agreeable solution
  - It is also worth noting that the community also met with Minister of Transportation, Steven Del Duca who clarified that while transportation development is occurring to support the area, it is by no means an excuse for development to contradict the VOP.
  
- H) Tree removals occurred at 31 Woodend Place and no compensation was provided
  - "...Transportation Services, Parks and Forestry Operations Department reviewed the submitted pictures and granted approval for the removal of hazardous trees..." This is a VERY DISTURBING STATEMENT considering Forestry Services (i.e. Zoran Postic & Joerg Hettman) acknowledged during the November 10<sup>th</sup> community meeting, also attended by our Councillor, that they DID NOT leverage ANY PHOTOS to grant approval nor did the city have an inventory of the trees that were removed which, was required per the January 2014 Ice Storm policies. Further, it was acknowledged that the photos that were on record were taken after the removal had been completed.

**My private tree is hazardous and needs to be removed. Do I require a permit?**

No. Due to the volume of trees which have been damaged on private property, a permit is not required to remove or make safe a hazard tree at this time. However, we ask that property owners call in at a later date so that staff may record the address, size and number of trees being removed. Information can be forwarded to: [parks@vaughan.ca](mailto:parks@vaughan.ca) or 905-832-8577 press 0.



- i) The remaining mature trees on the subject lands should be maintained
  - During a December 21<sup>st</sup> community meeting, the city finally acknowledged the level of devastation the questionable tree removal had caused. Our Councillor said they had no idea this many trees were removed (246) which, is unfortunate seeing as many residents pleaded for help while the removal was occurring
  - The City's efforts to assess the volume of trees removed is acknowledge however, to suggest that by simply planting these trees throughout Vaughan somehow restores the environmental benefits that were taken, is simply NO ACCEPTABLE!
  - The above points are further emphasized by the fact that the proposal recommends the remaining 565 trees be removed further eroding the environmental benefits that once existed!

- J) The applicability of Schedule 2 - "Natural Heritage Network" of Vaughan Official Plan 2010, Volume 1
  - By granting the proposed OPA, the City would be contributing to the erosion of the NHA as well as resolving the appeal that is currently pending with the Province. Until such time as a viable environmental replacement strategy has been agreed to by the City, the Community & the Applicant, the NHN designation should remain in place

In addition, the community reviewed the Applicant's Planning Justification Addendum (submitted as an addendum to the Planning Justification and Urban Design Report (dated March 2016), and noted a number of concerning statements. Here are some noteworthy excerpts (not exhaustive):

- **Pg. 3** "This resubmission addresses all comments and concerns as desired by City staff and local residents" **(FALSE)**
- **Pg. 6** "The Resubmission conforms with Section 9.1.2.2 as it respects and reinforces the existing physical character and uses of the surrounding area by utilizing a consistent lot, street and block pattern, configuration of lots and setback standards; and proposing similar building types and architectural style to the existing low-rise residential development in the surrounding area...."  
**(FALSE; does NOT meet above policy; neglects 9.1.2.3 which, is more applicable; 2.2.3.2. ...not intended to experience significant physical change. Noticeably absent???)**
- **Pg. 6** "Furthermore, it should be noted that townhomes are a building type that is expressly permitted in the *Low-Rise Residential* designation as stated in Section 9.2.2.1c. We are therefore of the opinion the Resubmission is consistent with the Urban Design and Built Form policies of the VOP 2010."  
**(FALSE; the stated policy is pursuant to policies in subsection 9.2.3 of which the proposal in its current form CANNOT meet e.g. 9.2.3.1.b; also 2.2.3.2. ...not intended to experience significant physical change. Noticeably absent???)**
- **Pg. 12** The Resubmission propose an appropriate density which provides a transition from the approved apartment building at the intersection of Major MacKenzie Drive West and Pine Valley Drive to the adjacent single family dwellings.  
**(IRRELEVANT; if the applicant is looking to the surrounding area to justify any part of the proposal, the homes on the west side of Woodend should be included along with all the surrounding estate homes which, are more representative of the immediate community)**
- **Pg.14** The Resubmission is consistent with City's vision as set out in the VOP 2010 and comply with relevant policies specifically pertaining to the City's urban structure, low-rise residential designation, urban design and built form and natural heritage network.  
**(FALSE for reasons already stated above)**

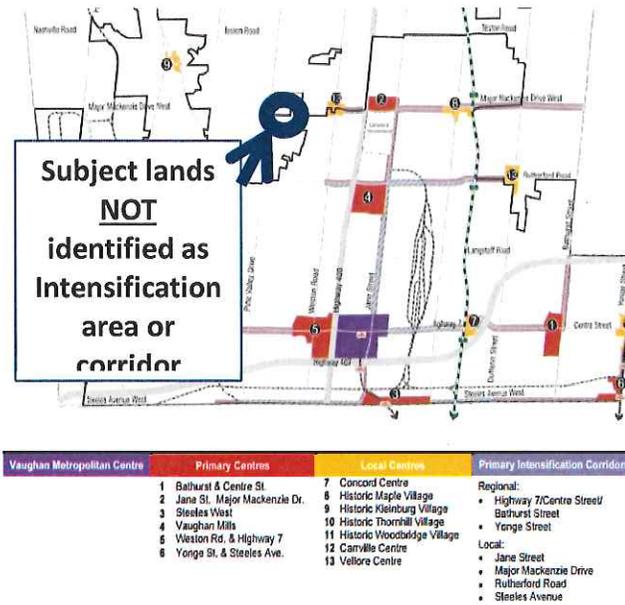
Other critical points of relevance:

- Subject lands & immediate area **NOT** classified as Intensification Area (refer to 1.1)
- Subject lands & immediate area **NOT** classified as Intensification Corridor (refer to 1.1)
- Subject lands & immediate area have already absorbed **ABOVE AVERAGE INTENSIFICATION** with a significant amount of volume still pending (refer to 1.2)
- Subject lands & immediate area identified & reaffirmed as large lot neighbourhood (refer to 1.3) & any proposed infill should **NOT significantly disrupt or change the character of the neighbourhood**
- Urban design & compatibility within current proposal does **NOT** respect or reinforce character of existing community
- The Low Rise Residential Study, if only to refer to it's findings/recommendations, reinforces the designation of the subject lands & immediate area & reaffirms the existing language contained within the VOP (i.e. any proposed infill should NOT significantly disrupt or change the character of the neighbourhood; refer to 1.3)
- There are many examples throughout Vaughan where planning has approved infrastructure that is **FAR LESS ACCESSIBLE** for the benefit of development (e.g. The Mack, 200+ units) yet, little consideration is being given to an entire community???

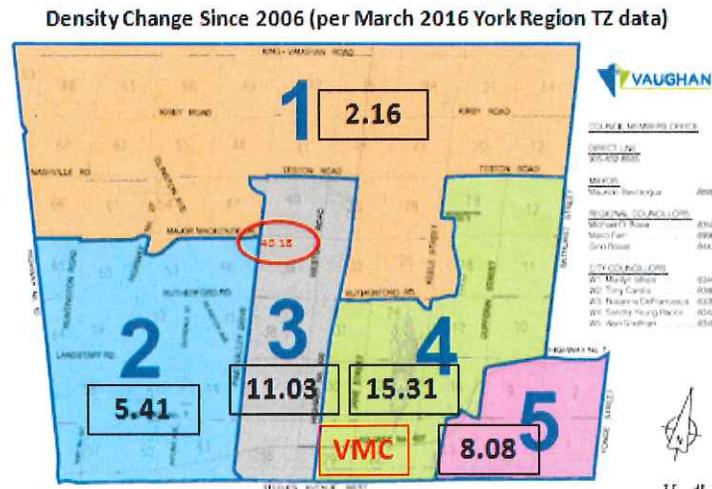
- After significant community pressure, the city finally relented & completed a **tree loss inventory** of the subject land that highlighted a many as **263 trees lost trees**, many of them directly from within designated NHH lands (refer to 1.4)
- A recommendation that would simply plant trees throughout Vaughan would **NOT** restore the environmental benefits that were taken by the questionable removal of an entire woodlot

Planning's recommendation to approve the proposal in its current form is not aligned with the spirit of the VOP as evidenced by the numerous amendments/exceptions being request. The community believes more discussion is warranted so we may arrive at a solution that addresses all stakeholder needs. As has been the case since we began this engagement, this is about supporting reasonable growth & development for our fair City.

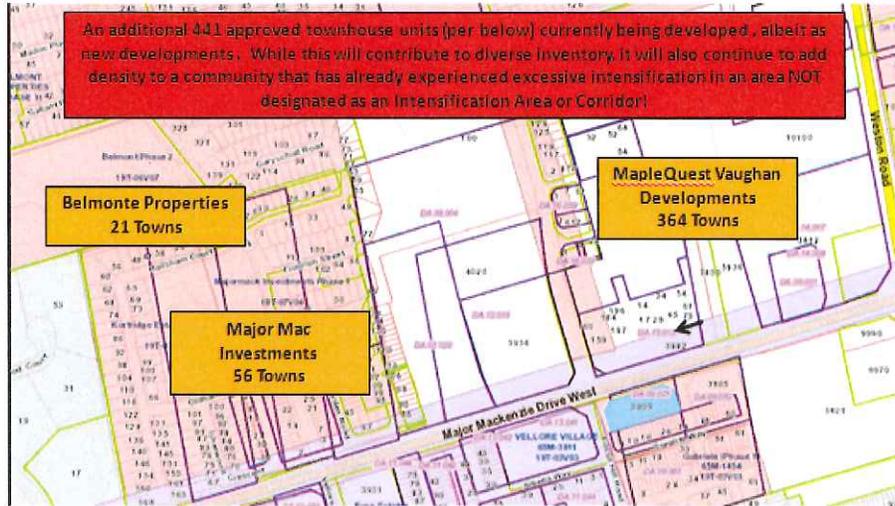
1.1



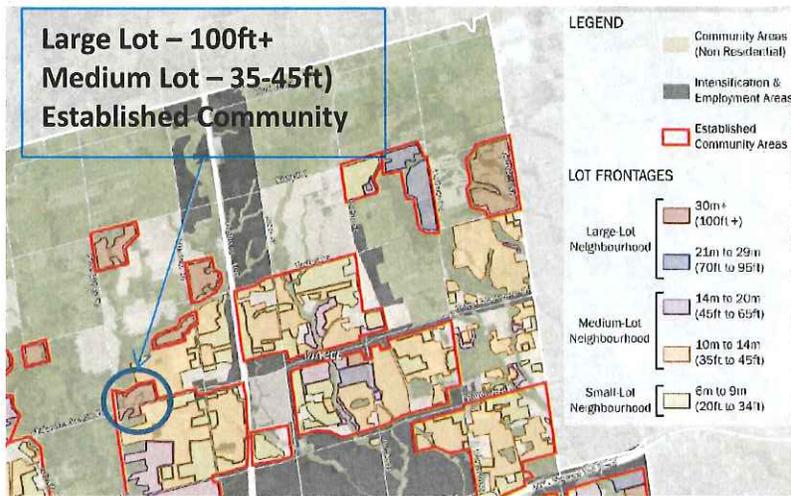
1.2



Note: Ward 4 has 55% more developable land than Ward 3 & contains the VMC; TZ 1039 (subject TZ) has experienced the 3<sup>rd</sup> highest growth for a non-identified intensification area in all of Vaughan (54.03 current)

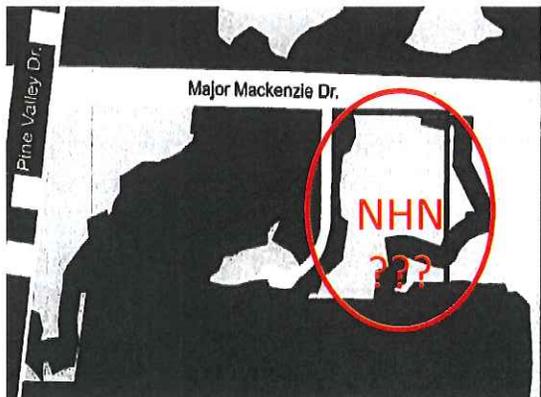


1.3



1.4

Provided by applicant's rep & not an accurate depiction of NHN schedules contained within the VOP



Provided by City of Vaughan Planning Department & presently a schedule contained within the VOP



Madam Chair, Counsel.

My name is Christopher Rutherford. I am a retired criminal lawyer who resides with my wife at [REDACTED] Pine Valley Drive, Capo Di Monte Condominium Corporation #1368 for York Region.

I am the President of the aforementioned condominium which is approximately 200 yards south of Major MacKenzie. Obviously, my constituents, almost 100% I would estimate, are strongly opposed to the Valley Major Development on the south-east corner of Major MacKenzie and Pine Valley Drive. Noise, desecration of a wooded area, traffic from some 90 plus units pouring out onto Pine Valley, which is very busy now, leave my constituents very concerned. But I digress. That will be a battle to come.

So, why am I here opposing the Countrywide Woodend Development? This is an example of the piecemeal intensification that is going on in this area, (three (3) at current account) which involves ripping out woods and greatly increasing traffic.

But the real reason I am opposing this, if I am really honest, is the domino effect that could occur. If Countrywide loses, the chances for Valley Major, I would think, decrease significantly. They are similar locations with similar arguments against.

Again, in all honesty, because I am late to this, I have not canvassed my constituents on the Woodend Development like I have the Valley Major Development which is right in their face. But I feel confident in asserting that the Capo Condominium would be much against the Woodend Development were they brought up to speed, like I have been.

In closing, looking at this as rationally as I can, it strikes me strange, that, given there must be numerous acres of land in Vaughan replete with nearby commercial and retail stock more conducive to development than these wooded, somewhat isolated lots, that have protected areas all around them. I simply ask, why here?

Respectfully submitted,

Christopher H. Rutherford  
President, YRCC #1368