

July 13, 2020

Dear Mayor and Council Members,

Regarding July 8th 2020 Virtual COW meeting Vaughan Council Refusing to adopt an Interim Control Bylaw for the Board of Trade Golf Course,

A majority of community members voiced their unwavering opposition to the proposal to add up 12000 new homes on the Board of Trade Golf Course. This despite Council's questionable decision to hold this meeting during a global pandemic. The virtual medium from which this exercise in democracy was utilized was anything but democratic. With many of our elected representatives choosing to not look the community in the eye when they made a decision to change their lives forever. The members of Council, staff in senior leadership positions relevant to this proposal, as well as the lawyers for both the applicant and Keep Vaughan Green should have been able to safely social distance themselves using overflow rooms and space in the viewing gallery to ensure that no more than 10 people where in the same room at the same time. Council's decision to move the meeting from a re-scheduled Fall date to a July date should not have occurred as making a decision on the ICBL virtually did not resemble the structure and process of a regular Committee of the Whole meeting. A motion should be made to review the ICBL once Vaughan can resume normal functioning. The community has grounds to appeal Council's decision as our elected representatives represented us at diminished capacity relying heavily on the recommendations of unelected City of Vaughan staff.

The decision to hold a virtual Committee of a Whole meeting during a pandemic limited civic engagement and in our view is an exercise of bad faith towards members of our community given the consideration that staff has shown their bias in maintaining a more consistent dialogue with the applicant than the community.

This electronic meeting of the COW took away the right of a great number of citizens to fully and adequately participate in the decision-making process that

will impact their lives for many generations to come. Those citizens who were able to view the livestream had to suffer the many electronic glitches that occurred. At one point the community's legal counsel had difficulty communicating his position to staff. After all the telephone deputations, the only person that was questioned repeatedly and at length was Mr. Flowers, the attorney for the applicant who coincidentally was the last person to give his deputation. Mr. Flowers was conveniently kept on line and was given much more than 5 minutes of time to state the applicant's case. Why wasn't the same courtesy given to Mr. Donnelly? Once again it appears City staff and this Council has seemingly tipped the scales in the applicant's favour. This is particularly problematic as Regional Councillor Mario Ferri has direct conflict with this proposal and has regular communication with City Staff.

The Mayor claims that he wants to hear from the citizens of Vaughan and yet he continues to stifle their voices. Even after Council was told that its staff report on the merits of the ICBL was riddled with grossly over-estimated costs to conduct studies that assess the community impact. Council sided with the staff report without proper due diligence and oversight by Councillor Tony Carella, the Mayor Maurizio Bevilacqua and all Regional Councillors.

Stating that an ICBL is not necessary, too expensive and too time consuming is simply not good enough. An ICBL is the only protection this community has from an applicant with the means to impact the daily livelihood of everyday citizens of Vaughan. It allows for legally binding and a comprehensive review of community impact that would add an unbiased and credible review of the applicant's proposal. This council has refused to adopt an ICBL and has demonstrated that it will not be present to ensure the protection of our property, and existing infrastructure systems.

Listed below are concerns that must be addressed in a new application in order for a Planning amendment to be approved. An ICBL must be accepted by this council in order for this application for rezoning to be considered. Refusal to accept an ICBL will leave the City of Vaughan and the community in a prostrate to a myriad of unintended consequences that may incur unforeseen costs, and irreparable damage to a reputation of stewardship Natural Heritage Systems in Vaughan. I expect direct responses to the concerns listed below from Ward 2 Councillor Tony Carella, Regional Councillor Gino Rosati, Regional Councillor and Former Mayor Linda Jackson and Mayor Maurizio Bevilacqua. We are disturbed by the level of access that Deputy Mayor Mario Ferri has to the planning department as he is in a position of conflict with regards to this proposal.

The proposal overreaches in its intention as it demonstrates an irresponsible increase in the density that is inconsistent with the mature character and traffic flow of our community.

The following concerns must be addressed to ensure that this development satisfies the City's and Communities best interests in the preservation of Natural Heritage Systems and Infrastructure.

### **Concern 1- Linkage of Proposal into Existing Water Supply Servicing Infrastructure**

An application to our existing water supply system is unacceptable to this community considering the City's lackadaisical approach to managing our current water supply. Given the city's recent poor track record of efficiently administering a system of water infrastructure the current residents do not feel confident that this current proposal will be without impact considering mature infrastructure will be faced with demands of increased loads.

In 2019 Vaughan Director of Internal Audit noted that over the course of 2 years only 1 of 18 recommendations made in a 2017 report were satisfied with regards to the City's drinking water. This is unacceptable and a failure of the Council and City Staff to exercise their due diligence to monitor the health and safety of residents in Vaughan.

To add insult to injury in 2019, a \$ 210 Million dollar lawsuit was issued to Mayor Bevilacqua and this council alleging that surplus water money was misappropriated to serve budget deficits and sole source contracts related to the Vaughan Hospital. This misappropriation of taxpayer's dollars may not meet the threshold of embezzlement is a prime example of how this council acts in bad faith towards community members. Why was surplus money reallocated instead of being used to regulate and monitor Vaughan's drinking water? This community requests an Interim Control By-law to assess factors such as water pressure and drinkability before an infill development of up to 1200 new residents is accommodated into the existing infrastructure.

If the City of Vaughan, Mayor, Council members and staff continue to be negligent in satisfying basic recommendations with regards to drinking water they cannot move forward with this proposal. Adopting an Interim Control By-law that

assesses this proposal's impact to drinking water of residents could mitigate any unforeseen risks to public health.

## **Concern 2- Linkage of Proposal into Existing Sanitary Servicing Infrastructure**

The current proposal seeks to add 60L/s of sanitary services to Vaughan's existing sewage system on Clarence Road. In addition, this infrastructure is situated next to the Humber River within the boundaries of the floodplain. Recently in Toronto we have seen residents impacted by severe weather with sewage coming through their basements. It is our concern that cracks in existing and aged infrastructure may occur due to the increased load which may result in spillover into community dwelling existing on the flood plain and a degradation of the water quality of the Humber River.

Adopting an Interim Control By-law that assesses this proposal's impact on the functionality of existing wastewater infrastructure could mitigate any unforeseen damage that may be created by the applicant's proposal. It is essential that the risk the City is taking on by incorporating this development into current infrastructure comes with conditions that would have the applicant pay the expenses for any damages caused by their proposal. Findings from an ICBL would give the City evidence with which they may approach the applicant for reparation should the infrastructure additions made affect existing homes and city water utilities.

## **Concern 3- The establishment of a Storm Water Management Pond too close to a road in a TRCA flood plain.**

Currently the subject lands on the North End of the Board of Trade Golf Course drain naturally through a water course that drains into the West Humber River. This water course travels through an NHN enhancement feature that is >0.5 ha. The depression in the land made by this creek on the north end is apparent and will be filled to accommodate the applicant's proposal. The majority of the water on the North End of the Golf Course drains through this creek. The applicant is developing on the Board of Trade Golf Course knowing full well of this fact and have included current water flows into their proposed application. An Interim Control Bylaw must be adopted to ensure that residents within the new application are not adversely affected by the applicant's decision to build homes on unsuitable land. It is also imperative that a geo-hydrologist that is impartial assess the

presence and role that natural aquifers play on the subject lands to facilitate effective natural drainage. It remains uncertain if the North end of the Board of Trade Golf Course is suitable for development unless geo-hydrologists work on behalf of the community to ensure that properties old and new are protected from flooding once sudden removal of natural drainage systems of the Board of Trade Golf Course occurs.

The creation of Storm Water Management Ponds next to Clarence Street and the Humber River will no doubt increase the chance that damage due to flooding will occur along Clarence Street. This possibility must be put under scrutiny as council's decision to approve this development on unsuitable land will impact more than just the localized community but every citizen of Vaughan downstream of this proposal. The applicant cites that it will give back  $\frac{2}{3}$  of the land it owns when the development is created. What really is the value for that land if it is consistently flooded. It seems transferring part of the privately owned parkland into City ownership could introduce unforeseen liability for the City of Vaughan. It is essential that an Interim Control Bylaw is adopted to complete impartial studies that ensure that flooding risk is mitigated as much as possible to maximize the land- use and protect the assets of both the City and its citizens.

This proposal may significantly increase the flooding risk within our homes and community. Adopting an Interim Control By-law that assesses this proposal's impact on drainage of water and flood risk reduction could protect the assets of both our City and its citizens.

#### **Concern 4- Development Behaviour of Builders in York region.**

Over the course of our 30+ years in Vaughan we have witnessed more and more the irresponsible and destructive manner in which builders handle land they are building upon. This includes the creation of dust clouds, discarded construction materials, degraded soil quality and the creation of towering landfill mounds just to list a few. Development is not a temporary convenience; it is a lasting inconvenience. What is left behind after a development is completed is unregulated and not policed by municipalities in York Region. The community is fearful of the lasting impacts of homebuilder's irresponsible behaviour. They also fear the use of heavy machinery to bully, intimidate and generate noise to purposefully slight residents. This has happened in Ward 2.

The social media account Rescue Rainbow Creek\_ West\_ Inc. has shown some pretty disturbing footage of deplorable activity conducted by homebuilders.

In one video, heavy machinery is directed to push landfill directly within 5 meters of a resident's fence. Video shows a dump truck dumping an entire load of landfill to the point that it is practically spilling over into the resident's property as a large mound continues to grow. The mound ends up towering over the house of a resident. At one point, residents called Bylaw officials to enforce the bad behaviour and nothing was done to address the matter.

We will not tolerate being bullied by a builder's use of heavy machinery to bully, intimidate and be accosted by their staff. This project should not be approved if it requires the creation of mounds close to a resident's property. The City thus far has not demonstrated in the instances I have seen, the will to protect citizens from the reckless behaviour of builders. For this reason, the buffer between the new residences and our property should be at least 20 meters. There is a natural depression in the land directly behind our homes between lots 56 and 55. We expect that this land remains unfilled and that no heavy machinery comes within 20 meters of our property line. Also, directly behind our property (lot 57) are remnants of a farm house that once stood between lot 57 and 56. Some of the items buried under the ground include a large iron stove that was uncovered in a Phase 2 Archaeological assessment. The removal of these artifacts will involve the use of heavy machinery. Given what we have witnessed and the law enforcement's unwillingness to address concerns about land-owners using heavy machinery to bully residents; we request that the subject lands immediately behind our property remain unaltered.

We ask this because Councillor Tony Carella has proven to have ineffectively addressed the concerns of citizens who immediately about the development project site on Campania Court.

For a development proposal to be accepted, stronger bylaws and increased fines should be adopted to ensure that heavy machinery is not used irresponsibly. The bylaw should also include a provision that prevents the practice of leaving behind large landfill mounds after projects are completed.

### **Concern 5 - Bias towards Developers and Culture of Fear Amongst City Staff**

Two years ago, staff advised City Council that an ICBL was not necessary because the applicant withdrew its application. City staff had a full two years to complete the necessary studies that KVG had asked for. For two full years, there has been little to no cooperation between KVG and City staff through no fault of KVG.

It is apparent there has been no meaningful conversations about the ICBL. The inclusion of dissenting ideas of Planning staff in the City of Vaughan is seemingly not rewarded. This is particularly concerning because the Deputy Mayor is in direct conflict with this proposed development. This is also particularly concerning because Mayor Bevilacqua was given a paid position as the Vice Chair of Versabank, a bank which primarily deals with land development financing. Was he granted this position in exchange for support for the sale of the Toronto Board of Trade Golf Course?

The Mayor has recently received further scrutiny from the integrity Commissioner for endorsing a Toronto-based developer's appointment to the Italian Senate even though he was affiliated with a party that promoted the closure of Mosques and backed an aggressive anti-immigration policy. It places doubt as to whether Mayor Bevilacqua values an inclusive and democratic society he claims to uphold. When pandering to the private interests, time and time again, this council has fallen to troubles that could have been easily avoided. It is time to listen to citizens. With all these things considered at the July 8th COW meeting, Mayor Bevilacqua had the nerve to imply that our opposition is based solely on the grounds of NIMBYism. This community has legitimate concerns about the impacts of development activities on their personal property and City assets. Council's bias is clear as we have been only granted 10 days to compile concerns, send notice and advocate for a meeting to address community concerns in the midst of pandemic closures.

In 2016 an Internal Audit showed that the City of Vaughan staff are reluctant to speak up about injustices they see. City Staff anonymously submitted grievances stating that they dealt with issues of hiring irregularities, discrimination, favouritism and harassment. Also, complaints showed a misappropriation of finances and related business integrity, conflict of interest and vendor issues. Reports such as these undermine the trust that Vaughan citizens have in the current planning staff to protect the community they are paid to serve. Given all of this, when staff recommends against an ICBL the credibility of their opinion should be placed under heavy scrutiny.

Adopting an Interim Control Bylaw allows for conducting impartial and unbiased studies and is an exercise of restoring community trust. On July 8, the citizens of Vaughan were hoping that City Council would restore some semblance of trust and integrity from their elected officials. Once again, Vaughan citizens were disappointed and felt somewhat betrayed by their representatives at City

Council. The lack of trust that exists between City Council and its citizens has widened even more. We are more skeptical about Council's inability and unwillingness to represent the best interests of hard -working, law-abiding taxpayers of Vaughan.

We are not against development but it has to be done properly with the best information available to us and most importantly the citizens must be engaged in a meaningful manner in the planning of such a large in-fill development project. Developers come and go but the citizens of Vaughan have to live with the effects of such ill-advised planning. Our infrastructure can hardly accommodate the traffic that presently exists. Day after day, the citizens have to face and drive through this gridlock. This particular development will only exasperate an already bad situation. The traffic volume increase not only undermines the local ecosystem but will have a lasting impact on community's health and well-being.

Mayor Bevilacqua stated that a large portion of land would be gifted to the city if the developers get what they want. The City of Vaughan would use this land as green space for all citizens to enjoy. The land that will be given to the City by the developer cannot be built upon. It is not a gift but an admission that the land they had erroneously purchased is not suitable to build upon. The increase in density in this most recent application is not an attempt to diversify housing options but a way to maximize profits within the limited space that this infill opportunity provides.

The applicant made an expensive mistake in purchasing this property. The citizens of Vaughan do not intend to pay for that mistake for generations. The citizens of Vaughan welcome their proposal but are in opposition to it because the subject lands may be unsuitable for the scale of residential development they seek to embark upon. This proposal has the potential to damage Vaughan's assets as well as citizen's property, and will forever change the dynamics of the ecological functions that the golf course currently serves wildlife.

Such projects need to be studied more thoroughly hence the urgent need for an ICBL. The old adage states that an ounce of prevention is worth a pound of cure. By working together and really listening to the concerns of ordinary citizens, City Council can do it right and not stumble down the path of the unknown.



The July 8<sup>th</sup> livestream of the COW meeting was an affront to this community. It was not about transparency, openness and fairness. This meeting was a hollowing out and silencing our democratic right to dissent. I expect correspondence with direct answers regarding these concerns before the July 15th meeting. The citizens of Vaughan demand to be heard. We all expect answers to these many questions.

Thank you for your attention to these matters.

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