

June 7, 2021

By E-Mail to clerks@vaughan.ca

City of Vaughan, Committee of the Whole
Vaughan City Hall
2141 Major McKenzie Drive
Vaughan, Ontario
L6A 1T1

Attention: City Clerk

Dear Sirs/Mesdames:

**Re: Applications by Clubhouse Developments Inc. for Official Plan Amendment (File No. OP.19.014), Zoning By-law Amendment (File No. Z.19.038) and Draft Plan of Subdivision (File No. 19T-19V007)
20 Lloyd Street, 241 Wycliffe Avenue and 737 and 757 Clarence Street
Resolution Regarding Potential Peer Reviews
Committee of the Whole Meeting on June 8, 2021 – Agenda Item 6.13**

We are counsel to Clubhouse Developments Inc. (“Clubhouse”), the owner of the lands municipally known as 20 Lloyd Street, 241 Wycliffe Avenue and 737 and 757 Clarence Street in the City of Vaughan, formerly known as the Board of Trade Golf Course (the “Lands”).

We are writing in response to the report of the Deputy City Manager, Planning and Growth Management (the “Staff Report”), regarding the potential for the City to conduct a peer review of one or more of the studies submitted by Clubhouse in support of its applications to redevelop the Lands (the “Applications”). The Staff Report seeks direction from City Council as to whether or not staff should initiate peer reviews of some of the studies submitted by Clubhouse.

For the reasons that follow, City Council should confirm that City staff need not initiate any peer reviews of the studies submitted by Clubhouse in support of the Applications.

First, it is clear that the City Council resolution of July 15, 2020 only contemplated a peer review being conducted if City staff identified the peer review as “necessary”.

More specifically, the Council resolution was as follows:

“That Council direct funds be set aside from the appropriate reserve to conduct peer reviews **that staff identify as necessary**, in consultation with the Community Working Group, and as approved by Council.” [emphasis added]

In this instance, City staff have not identified any peer review as being “necessary”. On the contrary, the Staff Report confirms the opposite:

“The studies and reports are under review by City staff and external agencies, including the Toronto and Region Conservation Authority. **Staff from the relevant professional disciplines have not, to date, identified the need for a peer review of any of the studies.**” [emphasis added]

Although the Staff Report indicates that two Community Working Group meetings were held “which continue to call for peer reviews of the studies and reports submitted with the Applications”, it is important to clarify this statement.

The Community Working Group that was established and met in April and May 2021 consisted of three separate stakeholder groups: 1) City staff; 2) Clubhouse representatives; and 3) community representatives (including representatives of Keep Vaughan Green and local ratepayer associations). Of those three participants, only the community representatives “call[ed] for peer reviews”. Conversely, Clubhouse is not asking for peer reviews to be undertaken by external consultants, and City staff have confirmed that both they and the external agencies have the knowledge and expertise to review the Applications without the need to retain external consultants to undertake peer reviews.

Thus, in accordance with the City Council resolution of July 15, 2020, there is clearly no basis for the City to retain external consultants to undertake a peer review of any of the studies submitted by Clubhouse in support of its Applications.

Second, there is no need to conduct peer reviews of the studies submitted by Clubhouse at this stage in the processing of the Applications.

As noted in the Staff Report, the Applications were submitted in December 2019 (i.e., roughly 18 months ago). The City’s Development Planning Department subsequently confirmed that the Applications were “complete”, based on the numerous studies submitted by Clubhouse that had been prepared in accordance with terms of reference established by the City.

Since that time, Clubhouse has revised the Applications and responded to comments provided by City staff and external commenting agencies, and has recently made a third submission. If there was any need for an external peer review of any of the studies submitted by Clubhouse, surely that would have, and should have, been identified much earlier in the planning process.

Third, Clubhouse has concerns regarding the potential additional delay that any external peer review could cause in the processing of the Applications.

Although the Staff Report estimates that peer reviews could be completed within a 4 to 8 week period, we find that estimate to be very optimistic, recognizing the time that would be required to establish terms of reference for any peer review, to issue and review requests for proposals, to finalize the procurement process, for the external reviewer(s) to undertake their review of the relevant study(ies) and related background documents, for the external reviewer to prepare a report, and so forth.

Unfortunately, even where intentions to proceed in an expeditious manner may be sincere, unnecessary additional delays can occur. Of note, a component of the July 2020 Council resolution was that “the Local Councillor schedule a meeting with the applicant, Keep Vaughan Green, the local Ratepayer Association and staff to address outstanding concerns and issues”. Although Clubhouse anticipated that this meeting could occur within a matter of weeks, it took nine months for the City to retain a facilitator and schedule the first of the two Community Working Group meetings.

For these reasons, we request that City Council confirm that City staff does not need to initiate any peer reviews of the studies submitted by Clubhouse in support of the Applications.

Yours truly,
DAVIES HOWE LLP



Mark R. Flowers
Professional Corporation

copy: Client
Mark Yarranton and Billy Tung, KLM Planning Partners Inc.