

**FURTHER TO AUTHORITY MEETING #10/03  
To be held on Friday, January 9, 2003**

**FURTHER TO:**

**Pages**

**4. DELEGATIONS**

- 4.1 Elizabeth Bottos of 178 Charmaine Rd., Woodbridge, speaking in regards to item 7.1 - Pine Valley Drive Link.
- 4.2 Leo Angelantonio of 76 Kiloran Avenue, Woodbridge, speaking in regards to item 7.1 - Pine Valley Drive Link.
- 4.3 Lois Griffin, Chair, Humber Watershed Alliance, speaking in regards to item 7.1 - Pine Valley Drive Link.
- 4.4 Iain Craig, Director, Kleinburg Area Ratepayers Association, speaking in regards to item 7.1 - Pine Valley Drive Link.
- 4.5 Joanne Nonnekes, Member, East Humber/Boyd Subcommittee, speaking in regards to item 7.1 - Pine Valley Drive Link.
- 4.6 Deb Schulte, Chair, Woodbridge Expansion Open Space Action Site Committee, speaking in regards to item 7.1 - Pine Valley Drive Link.
- 4.7 Steven Zakem, Aird and Berlis, speaking in regards to item 7.1 - Pine Valley Drive Link.

**5. PRESENTATIONS**

- 5.2 John Heddle, Member, Humber Valley Heritage Trail Association, speaking in regards to item 7.1 - Pine Valley Drive Link.

**6. CORRESPONDENCE**

- 6.2 A letter dated January 6, 2003, from Steven Zakem, Aird and Berlis, in regards to item 7.1 - Pine Valley Drive Link.

35-43

## CORRESPONDENCE 6.2



**AIRD & BERLIS LLP**

Barristers and Solicitors  
Patent and Trade Mark Agents

Steven A. Zakem  
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January 6, 2004

### BY FACSIMILE

Our File No.: 81031

Executive Committee  
Toronto and Region Conservation Authority  
5 Shoreham Drive  
Toronto, Ontario M3N 1S4

Attention: Chair Dick O'Brien

Dear Sir:

**Re: Ontario Municipal Board File No. PL010732  
Appeals by the National Golf Club of Canada and the TRCA in respect the  
City of Vaughan's OPA 600 - Pine Valley Link**

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We act on behalf of the City of Vaughan ("Vaughan") with respect to the appeals filed by the National Golf Club of Canada (the "Golf Club") and Quinto Annibale ("Annibale") in respect of the identification of the Pine Valley Link as a "new link" on Schedule "J" of OPA 600.

As you are aware, at a prehearing conference held in respect of this matter on November 4, 2002, the TRCA sought and obtained party status with respect to the appeals filed by the Golf Club and Annibale. Through subsequent proceedings, it has become clear that the TRCA is actively opposing the identification of the "new link" in OPA 600 despite the fact that the TRCA did not file an appeal in respect of OPA 600 nor appeal the inclusion of the "new link" in OPA 400.

On November 4, 2003, I wrote to Mr. Ira Kagan, counsel for the TRCA, in respect of this matter and requested that he provide me with evidence of the authority for the TRCA to oppose the Vaughan's position in respect of this matter. It was, and remains, Vaughan's position that although the Executive Committee has passed resolutions authorizing the TRCA to maintain party status in front of the Board, there has been no authorization for the TRCA to actively oppose the inclusion of the Link in OPA 600 or to challenge Vaughan's identification of the Link as a necessary element in the future growth of the municipality.

We have reviewed the Report filed by the Acting Director of the Watershed Management Division in respect of Item No. 7.1 which will be considered at your meeting on January 9, 2004. This Report contains numerous incorrect or incomplete statements in respect of

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both the proceedings before the Ontario Municipal Board and the EA process currently underway in respect of the Link. As a result, we are requesting an opportunity to make a delegation before the Executive Committee at its meeting on January 9, 2004. We will be requesting that the TRCA withdraw from the Ontario Municipal Board proceedings and to instead focus its efforts and resources on full participation in the EA process currently underway in respect of the Link.

As we are aware that delegations are limited to five minutes, we are including previous correspondence that outlines our concerns with respect to the jurisdiction of the TRCA to actively oppose the City of Vaughan in respect of the Board matter and we may also file additional written submissions with the Committee prior to our attendance on January 9, 2004.

Please provide this correspondence to each member of the Authority prior to the above-noted meeting.

We look forward to having an opportunity to apprise the Executive Committee of Vaughan's concerns.

Yours very truly,

AIRD & BERLIS LLP

*Y -  
Andrew Newton FOR:*

Steven A. Zakem

SAZ/EPC/len

encl.

cc. Kathy Stranks  
Heather Wilson  
Ira Kagan





**AIRD & BERLIS LLP**

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November 4, 2003

BY FAX #416.324.4224 AND MAIL

Our File #81031

Mr. Ira Kagan  
Kagan Shastri  
Barristers & Solicitors  
188 Avenue Road  
Toronto, ON  
M5R 2J1

Dear Mr. Kagan:

Re: OPA 600 Appeals, City of Vaughan  
OMB Case No.: PL010732

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As you know, I act on behalf of the City of Vaughan ("Vaughan") with respect to the above-noted matter. In particular, I act on behalf of Vaughan with respect to the identification of the Pine Valley Link as a "new link" on Schedule "J" of OPA 600.

This proposed new link was first identified in OPA 400 and was approved by the approval authority without referral to the Ontario Municipal Board (the "Board"). When OPA 600 was adopted, the "new link" continued to be shown on Schedule "J". OPA 600, including Schedule "J", was approved by the Region of York. Again, the TRCA did not appeal the identification of the new link on Schedule "J" although it was appealed by the National Golf Club of Canada ("NGCC") and Quinto Annibale ("Annibale") on his own behalf.

As you know, the Vaugan has initiated a Municipal Class Environmental Assessment, which assessment is currently underway with the full participation of TRCA.

At a pre-hearing conference held on November 4, 2002, the TRCA sought and obtained party status with respect to the Pine Valley Link appeals filed by NGCC and Annibale.

Through subsequent proceedings, it has become clear that the TRCA is actively opposing the identification of the "new link" on Schedule "J" of OPA 600, despite the fact that the TRAC filed no appeal. The TRCA is sheltering under the appeals already filed by NGCC and Annibale. It has also become clear that the TRCA intends to mount a vigorous case opposite Vaughan, which will result in a more lengthy and costly proceeding to both Vaughan and TRCA than would otherwise be the case. As you know, a six-week hearing is scheduled to commence February 2, 2004.

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For the above-noted reasons, I asked you to provide me with your authority to oppose Vaughan with respect to this matter. On October 1, 2003, you kindly provided me with the attached letter which purports to provide authority for the position of the TRCA. Upon review of that resolution, we are of the view that the TRCA has not authorized you to oppose Vaughan with respect to the identification of the "new link" on Schedule "J" of OPA 600. Our reasons are as follows:

1. The resolution authorizes the TRCA to "maintain party status" in front of the Board with respect to "...referrals 5 and 6 as they relate to the identification of the Pine Valley Drive Link through the significant natural habitat at the east end of the Boyd Conservation Area;". The resolution goes on to direct staff to continue to work with the "...affected parties to resolve these appeals through the ...Pine Valley Drive Environmental Assessment process;". Staff are further authorized to retain legal services for any necessary representation on these matters. It is clear to me that no authority has been granted to oppose the position of Vaughan with respect to the identification of the "new link" on Schedule "J" of OPA 600. Instead, the resolution authorizes staff to resolve the *Planning Act* appeals through the Environmental Assessment process. That process is underway and the TRCA is a full participant. Despite your efforts and the efforts of others to have these matters consolidated with the environmental assessment process, the Board has ruled that the hearing under the *Planning Act* shall proceed in February, 2004. As such, the *Planning Act* appeals will be heard separately from the Environmental Assessment process. In my submission, you are required to obtain additional instructions with respect to the *Planning Act* matters in order to advance the position taken by the TRCA;
2. The resolution of the TRCA on the Pine Valley Drive Link can be contrasted with the Rizmi appeals, where TRCA staff were directed to continue to "object" to the relevant applications;
3. The report which accompanies the resolution notes that TRCA staff are "working closely with City and other stakeholders to identify the Authority's concerns with the proposed routing." As you know, these concerns can be, and are being, addressed through the environmental assessment process. In my submission, the actions of the TRCA staff go beyond those authorized by the TRCA Board.
4. As noted above, the TRCA did not appeal the identification of the "new link" on Schedule "J" of OPAs 400 or 600. Furthermore, Vaughan has approved planning applications on the basis that the Pine Valley Link (subject to environmental assessment approvals) would be constructed. This was a reasonable position for the City to take in view of the approval in OPA 400 of the "new link".

On the basis of the foregoing, and prior to the commencement of a lengthy hearing (six weeks), we hereby request a clear position by the TRCA with respect to the hearing.



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I look forward to your prompt response. Kindly advise me when this matter would be considered by the Authority.

Yours very truly,

AIRD & BERLIS LLP

  
Steven A. Zakem

SAZ/mn

cc: Heather Wilson

attach.

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**KAGAN**  
**SHASTRI**  
Barristers & Solicitors

Ira T. Kagan  
Tel: 416-368-2100 Ext.226  
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File # 02360

October 1, 2003

By Fax  
Mr. Steven A. Zakem  
AJRD & BERLIS LLP  
BCE Place, Suite 1800  
Box 754, 181 Bay Street  
Toronto, Ontario  
M5J 2T9

Dear Mr. Zakem:

RE: Appeals filed by The National Golf Club of Canada and others  
OPA No. 600 - City of Vaughan, Pine Valley Drive Link  
OMB Case No.: PL010732, File No.: O010144

As requested, attached please find the TRCA Board Authorization for TRCA party status in respect of the Pine Valley Drive Link matter.

Yours very truly,



Ira T. Kagan  
Encl.

cc. TRCA

FILED: TRCA/Vaughan OPA 600/Letter/Kagan October 1, 2003.Duc

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Received The City of Vaughan

188 Avenue Road Toronto

**RES.#D93/02 - APPEALS TO THE CITY OF VAUGHAN OFFICIAL PLAN AMENDMENT (OPA) 600**

Participation by TRCA at the Ontario Municipal Board. Several appeals have been made to the City of Vaughan's OPA 600, including appeals regarding policies and schedules related to matters of Authority interest.

Moved by: Ian Sinclair  
Seconded by: Pam McConnell

**THE BOARD RECOMMENDS TO THE AUTHORITY THAT staff be directed to maintain party status in front of the Ontario Municipal Board with respect to referrals 1 and 4 as they relate to policies defining valley lands and buffers, and referrals 5 and 6 as they relate to the identification of the Pine Valley Drive Link through the significant natural habitat at the east end of the Boyd Conservation Area;**

**THAT staff be directed to continue to work with affected parties to resolve these appeals through the Block Planning Process and the Pine Valley Drive Environmental Assessment process;**

**AND FURTHER THAT staff be directed to retain legal services for any necessary representation on these matters.**

**CARRIED**

**BACKGROUND**

Seven appeals to the Ontario Municipal Board (OMB) have been received as a result of the approval of the City of Vaughan's Official Plan Amendment (OPA) 600. Appeals 1, 4, 5, 6 and 7 relate to matters of Authority Interest, specifically as follows:

Appeal 1 (Block 11 Landowners Group) and Appeal 4 (Block 33 West Landowners Group)

The Block 11 and Block 33 West Landowners Groups have appealed portions of OPA 600 related to policies regarding valleyland definition and buffering requirements.

At the request of TRCA staff, the Region of York modified OPA 600, prior to their approval of the same, to include valleyland and buffer policy wording more consistent with the policies of the TRCA. Specifically, requiring that valleylands were to include a buffer, the size and treatment of which would be determined through the Master Environmental Servicing Plan (MESP). Prior to this modification, the wording approved by the City of Vaughan required a 10 metre structural setback adjacent to valley corridors, the modified wording would allow for a greater setback and/or a portion or all of the buffer to be protected outside of the lot fabric if environmental studies deemed it necessary.

Official Plan Amendment 600 requires the completion of MESP's on a Block Plan basis. Blocks 11 and 33 West are currently completing MESP's for their respective planning areas. Through these studies, TRCA and City staff, along with the Block consulting teams will be working to address the valley land and buffer policies (along with numerous other technical requirements). Given that the nature of the appeals is to obtain greater clarity around the application of these policies, it is staff's understanding that resolving these appeals through the Block Plan process is desired by all parties.

Appeal 5 (National Golf Club of Canada) and Appeal 6 (Loopstra Nixon)

The National Golf Club of Canada and Loopstra Nixon have appealed the identification of the Pine Valley link through the unopened road allowance at the east end of the Boyd Conservation Area due to significant impacts to the natural environment. The TRCA has also expressed significant concerns about this road opening through Resolution A33/01:

*"THAT the City of Vaughan be advised that the Toronto and Region Conservation Authority has significant concern with the environmental impacts of opening the Pine Valley link between Clubhouse and Rutherford Roads;*

*THAT the City of Vaughan be requested to thoroughly consider traffic planning solutions that do not require the opening of Pine Valley Drive between Clubhouse and Rutherford Roads;*

*AND FURTHER THAT the City of Vaughan be requested to initiate a full Individual Environmental Assessment (EA) as opposed to a Municipal Class EA for the Pine Valley Drive link due to significant potential environmental impacts, if they choose to pursue this option over another transportation strategy."*

Although apprised of the above noted recommendation made by the TRCA, the City is currently embarking on a Municipal Class EA for the Pine Valley Drive link. Staff are working closely with the City and other stakeholders to identify the Authority's concerns with the proposed routing.

Appeal 7 (Rizmi Holdings Ltd. and Lucia Milani)

Staff has been provided direction by the Authority to maintain party status on Appeal 7 through Resolution #B137/02:

*"THE EXECUTIVE COMMITTEE RECOMMENDS TO THE AUTHORITY THAT staff be directed to continue to object to any Rizmi Holdings or Lucia Milani applications that include intrusions into, or impacts on, the McGill Area ESA;*

*THAT staff be directed to represent the Authority with party status at the Ontario Municipal Board hearing in the matter of Rizmi Holdings Limited and Lucia Milani's objections to OPA 600, and to any subsequent consolidated hearings that may result regarding these lands;*

*AND FURTHER THAT staff be directed to retain legal services for representation on these matters."*

On November 4th, 2002 a prehearing conference was held by the OMB dealing with all of the referrals to OPA 600. At this prehearing conference, TRCA staff, through a solicitor, requested party status on the above noted appeals. A second prehearing conference has been Scheduled for April 11, 2003 to further discuss appeals 1,4,5 and 6, and potentially set a hearing date.

### **DETAILS OF WORK TO BE DONE**

In light of the potential implications on matters of Authority Interest with these appeals, staff recommend that the TRCA maintain party status, as requested at the November 4th, 2002 prehearing conference. Staff further proposed to continue to work with the Block 11 and Block 33 West Landowners groups in an effort to resolve their valleyland and buffer policy concerns while appropriately addressing Authority Policy. Additionally, staff will continue to work with the City and other stakeholders as they proceed through the Municipal Class EA for Pine Valley Drive, advising of our significant concerns.

In the event that these matters are dealt with in front of the OMB legal representation is required. Staff are seeking to coordinate our case for the valleyland and buffer policies with the Region of York, sharing resources to the extent possible. Likewise, staff will seek to minimize duplication of effort with respect to evidence of environmental impact of the Pine Valley Link with other parties objecting to the identification of the road in OPA 600.

**For Information contact: Sandra Malcic, extension 5217**

**Date: December 02, 2002**