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April 30, 2008

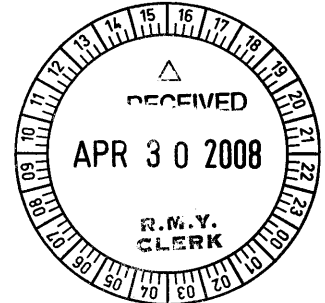
By Facsimile Transmission

Regional Planning and Economic Development Committee
Regional Municipality of York
17250 Yonge Street
Newmarket, Ontario
L3Y 6Z1

Attention: Denis Kelly Regional Clerk and
Bryan Tuckey, Commissioner, Planning and Development Services

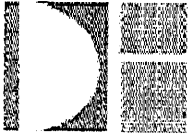
Dear Sirs:

**Re: Town of Richmond Hill – Official Plan No. 246
Item 10 on Planning and Economic Development Committee
Agenda
April 30, 2008**



As noted in my earlier letter to the Planning Department dated January 10, 2008, I represent 775377 Ontario Ltd, Upper City Corporation and Clearpoint Developments Ltd., the owner of certain lands in the North Leslie Secondary Plan area in the Town of Richmond Hill. The North Leslie Secondary Plan area is generally bounded by Elgin Mills Road on the south, Leslie Street on the west, highway 404 on the east and 19th Avenue on the north, and also include certain lands owned by E. Manson Investments which extend north of 19th Avenue.

As the Region is aware, the designation of my clients' lands was the subject matter of an Ontario Municipal Board hearing which took place between February 2006 and October 2006. At that hearing, the Board designated my clients' lands together with other lands east of what was known in the hearing as Tributary 2 for employment uses. My client has sought and obtained an Order permitting a rehearing of the Board's decision relating to the appropriate designation and use for the lands east of Tributary 2. The Town, with the support of the Region, sought leave to appeal the decision to allow a rehearing about the lands' designation, but this was turned down by the Divisional Court on March 28, 2008. Accordingly, a rehearing will be scheduled to consider the appropriate designation of the lands.



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The Region is fully aware of all of this as it participated in every hearing and motion related to the designation of the lands.

Should the Board, on the rehearing determine that the lands are to be designated for employment uses, OPA 246 raises significant concerns for my clients. I would note that my clients were not aware of the proposed official plan amendment until after its adoption by Richmond Hill Council. It was very surprising to my clients that the Town did not notify them about this official plan amendment given the certainty of the Town's knowledge that my clients would have an interest in it. Even more surprising was the fact that at the same time as OPA 246 was being processed by the Town, my clients were in the middle of mediation proceedings at the Board with the Town and Region attempting to resolve the dispute about the appropriate designation of the lands. Yet no one on behalf of the Town, or the Region, at any time before, during or after these proceedings advised me or my partner, Mr. Davies, my clients or their consultants that there was an official plan amendment being processed with respect to restrictions on changes to employment lands.

As set out in my earlier letter, it is my clients' view that OPA 246 cannot be approved in its proposed form as it is in direct conflict with the 2005 Provincial Policy Statement (PPS) and the Growth Plan (GP). The definition of "non employment uses" directly contradicts the definition in the PPS and GP which clearly intend these areas to include office uses and associated retail facilities. By excluding commercial and retail uses from the definition of non employment uses, the intent and purpose of the PPS and GP is not properly reflected and as such OPA 246 cannot stand. Furthermore, the prohibition against allowing additional commercial and retail uses other than those permitted in existing Official Plans and Secondary Plans also conflicts with the PPS and GP which clearly intend and envision the opportunity to expand existing employment areas with these uses. In our view, staff's reliance on section 5.4.1.5 of the GP is ill-founded and cannot be used to address the conflict in the definitions. The restrictions on this definition clearly create considerable conflicts and obstacles to achieving other key objectives and policies of both the GP and PPS.

We also have significant concerns with respect to the proposed test for conversion when a review is undertaken. This test goes well beyond the test for conversion permitted in the GP and PPS. For example, requiring the test to be tied to an analysis of the inventory of employment generating lands does not reflect the intent of the upper tier policy documents like the PPS. Nor should there be a requirement that the conversion be tested against a "shortfall in the inventory of appropriately



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designated non-employment generating lands". If there is no demonstrated need for employment lands, regardless of the inventory of non-employment lands, no such lands should be designated. In fact, if there is a 20 year (or other time frame determined by the Province) supply available, no further designation of employment lands is permitted. The amount of inventory available for non employment lands is irrelevant. It is also unclear what is meant by cross jurisdictional issues.

Furthermore, the mandatory nature of the test set out in OPA 246 does not allow the municipality to exercise any flexibility or discretion in allowing changes to employment lands in the appropriate circumstances outside of the listed tests. This too goes well beyond the intent of the PPS and GP.

OPA 246 gives no consideration to market realities, provides no flexibility in addressing other policy considerations in the PPS and GP and in fact conflicts with, and does not meet the intent and purpose of these upper tier policy documents. It does so without support or justification in policy. As such, we request that Regional Committee refuse to approve OPA 246, as presented in the Staff report and remit it back to Staff for further modification.

Yours sincerely,

DAVIES HOWE PARTNERS

Susan Rosenthal

Copy: Clients
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Warren Sorensen
Paul Lowes