

THOMSON ROGERS

LAWYERS

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SENT BY E-MAIL

June 26, 2012

The Chair and Members of Council
Regional Municipality of York
17250 Yonge Street
Newmarket, Ontario
L3Y 6Z1

Dear Sirs/Mesdames:

Council Meeting – June 28, 2012

Report 6 of the Environmental Services Committee

Item 2: “Wastewater Servicing Strategy For Regional Official Plan Amendment 3 Urban Area Expansion in the Town of Markham”

Our File No. 050917

We are the solicitors for Colebay Investments Inc., Highcove Investments Inc., Firwood Holdings Inc., Major McCowan Developments Limited and Summerlane Realty Corp. (“CHFMS”) who own land in North Markham within the area shown on the Location Plan attached to the above-captioned report (“Report”). CHFMS’s land is located in the concession bordered by Major MacKenzie Drive, Elgin Mills Road East, McCowan Road and HWY 48. Please accept this letter as CHFMS’ request that consideration of the above captioned report be deferred until such time as the Ontario Municipal Board approves Regional Official Plan Amendment 3 (“ROPA 3”).

On behalf of CHFMS, we wrote to the Environmental Service Committee on June 19, 2012 (copy attached) expressing concern with Staff’s recommendation that the 10 year capital forecast be revised by deferring certain works notwithstanding that the Ontario Municipal Board has not yet determined the extent or location of the ROPA 3 boundary. Our concern is rooted in the prejudice that could occur to both the Region and landowners within ROPA 3 should the Region’s capital forecast be out of step with the Ontario Municipal Board’s Decision. On the other hand, no prejudice would occur to the Region should it defer this decision.

We were surprised to learn that our correspondence, and the correspondence of others expressing concern, was not considered by the Environmental Services Committee until after Staff's recommendation was approved by the Committee. Such a procedural irregularity raises issues of fairness and natural justice. Under the circumstances, it is our view that the Staff's recommendation should be deferred to preserve the integrity of Council's process.

We would be pleased to discuss this with your Staff should there be any questions.

Yours very truly,

A handwritten signature in dark ink, appearing to read 'S. D'Agostino'.

Stephen J. D'Agostino

Stephen Joseph D'Agostino Law Professional Corporation

SJD/aph/pgf

- c. Clerk, Region of York
- c. Clients

THOMSON ROGERS

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SENT BY E-MAIL ONLY

June 19, 2012

The Chair & Members of the
Environmental Services Committee
Regional Municipality of York
17250 Yonge Street
Newmarket, Ontario
L3Y 6Z1

Dear Sirs/Mesdames:

June 20, 2012 Environmental Services Committee Agenda
Item D-2: "Wastewater Servicing Strategy For Regional Official Plan Amendment 3
Urban Area Expansion in the Town of Markham"
Our File No. 050917

We are the solicitors for Colebay Investments Inc., Highcove Investments Inc., Firwood Holdings Inc., Major McCowan Developments Limited and Summerlane Realty Corp. ("CHFMS") who own land in North Markham within the area shown in the Location Plan attached to the above-captioned report ("Report"). CHFMS's land is located in the concession bordered by Major MacKenzie Drive, Elgin Mills Road East, McCowan Road and HWY 48. Please accept this letter as CHFMS' request that consideration of the above captioned report be deferred until such time as the Ontario Municipal Board approves Regional Official Plan Amendment 3 ("ROPA 3").

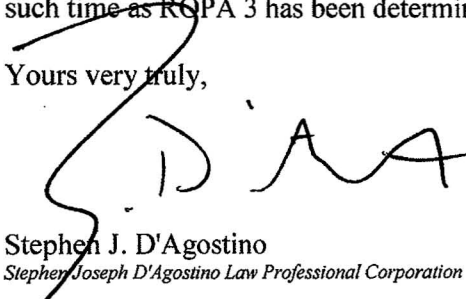
Central to the Report is the assumption that the ROPA 3 boundary will be approved by the Ontario Municipal Board without amendment. That assumption is not appropriate. As Committee may be aware, both the Regional Official Plan and ROPA 3 are subject to numerous appeals which may effect the configuration and densities in ROPA 3. Of course, any change to ROPA 3 would directly impact the conclusions and recommendations set out in the Report.

The Report notes that the 2009 Water and Wastewater Master Plan Update identified infrastructure needs based on the updated population and employment growth targets developed by the Region in conformity with the Provincial Growth Plan even though the specific boundary alignment for ROPA 3 was unknown at that time. Regional Council endorsed the Water and Wastewater Master Plan Update on November 19, 2009. The Region does not suffer any prejudice by maintaining the status quo since the ROPA 3 boundary is no more certain today than it was on November 19, 2009 when the 2009 Water and Wastewater Master Plan Update was approved. Prejudice would occur however if a Master Plan was adopted based on the wrong boundary.

Maintaining the status quo is appropriate until the Ontario Municipal Board approves ROPA 3. Approval of the Report is premature until such time as the ROPA 3 boundary and densities are established.

As a result of the foregoing, we request that consideration of the Report be deferred until such time as ROPA 3 has been determined by the Ontario Municipal Board.

Yours very truly,



Stephen J. D'Agostino
Stephen Joseph D'Agostino Law Professional Corporation

SJD/pgf