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May 4, 2011

By E-Mail Only to denis.kelly@york.ca

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

Attention: Denis Kelly, Clerk

Dear Mr. Kelly:

**Re: Report 4 – Richmond Hill Official Plan (2010)
Planning and Economic Development Committee Meeting -
May 4, 2011**

We are counsel to 775377 Ontario Ltd. ("Belmont") the owners of approximately 35 hectares of land located east of Leslie Street, west of Highway 404 and south of 19th Avenue in the Town of Richmond Hill, Region of York ("the Region"). These lands are located in the North Leslie Secondary Plan Area.

We are in receipt of the May 4th report of your Commissioner of Planning and Development Services. The report was made available only after 4:30 this past Friday, and, as such, we have not yet had an opportunity to fully assess the proposed modifications to the Richmond Hill Official Plan ("RHOP"). We reserve the right to make additional comments to those already provided in connection with the RHOP. However, it is clear from a review of the report that, while my clients have raised numerous objections to the Richmond Hill Official Plan ("RHOP"), the report's recommendations do not respond to these concerns, nor does the report in any way address them. In fact the report fails to even recognize that the Board has issued an Order approving most of the North Leslie Secondary Plan (OPA 257) on August 12, 2010 (after the RHOP was forwarded to the Region) which encompasses most of our client's lands (save for a small portion of our client's property fronting on Highway 404, which is awaiting a decision from the Board).

In addition, the report recommends that the Ontario Municipal Board be requested to return the approval of the RHOP to the Region, and that the Commissioner of



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Planning and Development Services be directed to issue the Notice of Decision to approve the RHOP subject to the attached modifications. We strongly question the Board's jurisdiction to return an appealed plan to allow its approval by the municipality. The whole of the plan has been placed in the hands of the Ontario Municipal Board who now has the jurisdiction to make all decisions in its connection in place of the original approval authority. Furthermore, since the whole of the plan is under appeal, the Region lacks jurisdiction to approve any portion of the RHOP. I would note that the report provides no legal basis to support staff's recommendation.

Given this lack of jurisdiction, and the report's failure to address our client's concerns, we request that the Committee refer the report back to staff for consultation with our client and further consideration of its issues before any position is taken by the Committee or Council on the RHOP.

Yours sincerely,

DAVIES HOWE PARTNERS LLP

per: 
Susan Rosenthal

SR:am

Copy: Client

R. Mason, KLM Planning Partners Inc.

J. Hughes, Hughes Management