

May 4, 2005

Our File No.: 040039

Via E-mail

Regional Municipality of York
17250 Yonge Street
Newmarket, Ontario
L3Y 6Z1

Attention: Karin Price, Committee Co-ordinator, Regional Clerk's Office

Dear Sir:

**Re: Town of Aurora – Employment Land Retention Strategy
Official Plan Amendment No. 55 (“Town OPA 55”)**

We are the solicitors for Lebovic Enterprises Inc. and Revlis Securities Ltd. (the “Landowners”), long-time and successful developers of residential and employment lands in the Region of York and the Town of Aurora. We are writing to indicate the Landowners’ opposition to Town OPA 55 for the following reasons.

First, our clients own approximately 5.1 hectares of land on Industrial Parkway North (the “Subject Lands”) that should be exempted from the application of Town OPA 55. The Subject Lands are located a considerable distance from Highway 404 and suffer from physical constraints that limit their marketability for employment uses. The Town’s introduction of residential uses in the vicinity of the Subject Lands has also negatively impacted their marketability. Our clients have made extensive efforts to attract employment uses to the Subject Lands for over twenty years, which have proved to be unsuccessful. Town OPA 55 would negatively impact our clients’ ability to seek a more appropriate land use for the Subject Lands and, as such, the Subject Lands should be exempted from the application of Town OPA 55.

Second, the Region should defer approval of Town OPA 55 because it would be inconsistent with a previous resolution of Regional Council. The Subject Lands are presently the subject of an appeal to the Ontario Municipal Board. On April 21, 2005, Regional Council directed staff to continue to dialogue with the Town, the residents and the Landowners up to the date of the Ontario Municipal Board hearing to try to resolve the issues. Approval of Town OPA 55 at this time would be inconsistent and unfair, and undermine the previous resolution of Regional Council.

Third, the Region should defer approval of Town OPA 55 until the Town has provided an update on its planning work for the 2C Lands. The Town’s most recent growth management work, which

began in 2001, extended the Town's planning horizon to 2021 and recommended an expansion of Aurora's urban policy area to include the 2C Lands adjacent to Highway 404 in northeastern Aurora, including the designation of approximately 200 acres for employment uses.

The 2C Lands enjoy all of the characteristics identified by the draft *Places to Grow Plan* for high quality employment lands, such as large and affordable parcels, high visibility, and easy access to major transportation routes, in this case Highway 404. By contrast, the Subject Lands enjoy none of these characteristics. The draft *Places to Grow Plan* encourages employment uses to locate in areas such as the 2C Lands and not on the Subject Lands. Approval of Town OPA 55 at this time would not be consistent with this Provincial policy direction.

Moreover, once the Town has completed the planning work for the 2C Lands, the resulting substantial increase in the Town's supply of employment lands would remove the need for Town OPA 55, and especially the overly restrictive approach to the retention of employment lands, no matter their suitability for employment uses. Instead, the Town would have flexibility to redesignate constrained employment lands that may be better suited for other urban uses.

Fourth, it is our clients' position that Town OPA 55 places a disproportionate value on the Town's employment lands that is not justifiable and fails to recognize that other types of urban land uses are beneficial to the Town. In particular, Town OPA 55 does not allow for the conversion of lands that are unmarketable for employment uses.

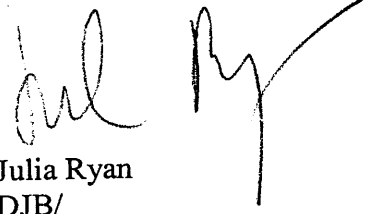
Finally, our clients believe that Town OPA 55 does not represent a balanced and reasonable planning approach to the designation of urban land uses. The wording of Town OPA 55 appears to ensure that no redesignation of employment lands ever occurs and establishes tests that are highly unlikely – perhaps even impossible – to meet.

This letter also serves as a request for notification of any event regarding Town OPA 55, including notification of adoption. Please do not hesitate to contact us if you require additional information.

Yours very truly,

GOODMANS LLP

Per:



Julia Ryan
DJB/

cc: Neil Garbe, Director of Community Planning
Lloyd Cherniak
Peter Smith

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