

Comments received on ROPA 41 Minister's Modifications following posting for Planning Committee

Agent	Property	Comment	Action
Aird and Berlis - Patricia Foran	E. Manson Investments, North Leslie Richmond Hill	- Ministry's mods to transition provisions based on Bill 27 should not be supported - Want site specific reference - Do not support aquifer vulnerability map - Has upcoming meeting with Ministry to resolve implications of Bill 27 order on these lands	Acknowledge letter - send to Ministry for any action deemed necessary
Davies Howe - David Williams	Various clients	Ministry's mods. to transition provisions based on Bill 27 should not be supported	Acknowledge letter - send to Ministry for any action deemed necessary
Lucas and Associates - Glenn Lucas	Rizmi Holdings Lucia Milani	- Include residential applications ion the transition list - ESA mapping incorrect - ESA should not be treated as KNHF	- Subject of attached report, applications are to local plan and by-law and not sent to Region - do not support inclusion on Regional list - Support minor change to map depiction - advise Ministry - Acknowledge letter - send to Ministry for any action deemed necessary
Goodmans - Michael Stewart	Venturon	- Policy 2.1.12 add reference to <i>zoning by-laws</i> - Proposed policy 2.5.10 requiring area municipal OPA for refinements	- Support advise Ministry - Ministry has changed position – modification likely to be deleted - Acknowledge letter - send to Ministry for any action deemed necessary
Weir and Foulds - Mike McQuaid -	West Hill Redevelopment, Aurora	- Map 2 shows larger wetland than mapped by MNR with a linking wetland in between - Map 12 shows too great an area within the	Minor changes to map depiction – support and advise Ministry

		Bloomington Wetland ESA	• Clarification sought from TRCA, minor changes to map depiction if required • Acknowledge letter - send to Ministry for any action deemed necessary
Malone Given Parsons - Don Given	Block 12 in Vaughan	• New information agreed to by MNR not reflected on Regional Map 12 • Ministry mod dealing with Policy 2.5.3 Major Development requires clarification on application • Transition list indicates outstanding referral on Block 12 – actually on BLK 11	• Minor changes to map depiction based on new information – support and advise Ministry • Policy interpretation being sought from Ministry • Correct transition list reference • Acknowledge letter - send to Ministry for any action deemed necessary
–King City Preserve the Village - J. Bruce Craig		• Clarification of the Policy Regime in NCA and NLA within Settlement Areas	• Clarification sent • Acknowledge letter - send to Ministry for any action deemed necessary
Kagan Shastri - Ira Kagan	Mizrahi and Mahtaf Investments North Leslie Richmond Hill	• Ministry's mods to transition provisions based on Bill 27 should not be supported • Want site specific reference • Do not support aquifer vulnerability map • has upcoming meeting with Ministry to resolve implications of Bill 27 order on these lands	• Acknowledge letter - send to Ministry for any action deemed necessary
Davies Howe – Jeff Davies	Various landowners	• Ministry's mods to transition provisions based on Bill 27 should not be supported	• Acknowledge letter - send to Ministry for any action deemed necessary



AIRD & BERLIS LLP

Barristers and Solicitors
Patent and Trade Mark Agents

Patricia A. Foran
Direct: 416.885.3425
E-mail: pforan@airdberlis.com

March 2, 2004

BY FAX # 905.895.3031

Our File #66490

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

Dear Sirs/Madames:

**Re: ROPA 41 and Minister's Modifications: Planning and Economic
Development Committee Meeting March 3, 2004**

We are the solicitors for E. Manson Investments, the owner of lands located at the northwest corner of 19th Avenue and Leslie Street, in the Town of Richmond Hill. Our client has appeals of its local Official Plan amendment and Regional Official Plan amendment applications before the Ontario Municipal Board ("OMB") for consideration as part of the North Leslie Secondary Plan OMB hearing.

Part of our client's lands lie north of the 245m surveyed contour of the Oak Ridges Moraine ("ORM"). In response to a motion brought jointly by our client and the Town of Richmond Hill last year, the Ontario Municipal Board issued a decision (relevant extract attached) which recognized that all of our client's applications were subject to the transition policies of the *Oak Ridges Moraine Conservation Act, 2001* ("ORMCA"). This would include not only our client's local and Regional Official Plan amendment applications, but also its related draft plan of subdivision and zoning amendment applications.

We have reviewed proposed amended ROPA 41 and have previously corresponded with you respecting the recognition of the Board's determination in any conformity amendment to be adopted by Regional Council. We understand that proposed ROPA 41 is to be amended under proposed section 33 to reflect changes to the ORMCA proposed under the Province's draft legislation, Bill 27. However, we are concerned that such draft legislation may be, at a minimum, amended prior to an adoption by the Provincial Legislature. Accordingly, we believe that ROPA 41 should only reflect the in-force ORMCA and, in particular, the transition provisions set out in section 17 as they exist today.

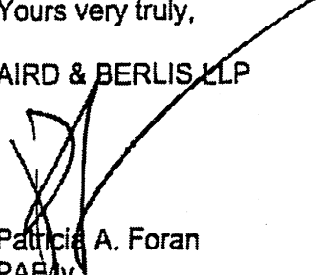
March 2, 2004
Page 2

Alternatively, and in order to avoid any possible interpretation that section 33 as drafted would alter our client's accrued and recognized full transition status, we would request that you amend section 33 in the draft ROPA 41, to specifically reflect the transition status of all of our client's development applications.

In addition to the foregoing, we note that proposed Map 13 – Areas of High Aquifer Vulnerability, which your staff have concluded is not required, may not reflect more refined and up-to-date mapping undertaken by the proponents, TRCA and York Region, in the context of the North Leslie OMB hearing. Accordingly, we believe that Map 13 should be excluded or it should be amended to reflect more up-to-date mapping.

Yours very truly,

AIRD & BERLIS LLP


Patricia A. Foran
PAP/v
Encl.

cc: E. Manson Investments
B. Jeffrey, Region of York Planning Department

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RECEIVED

AUG 13 2003

ISSUE DATE:

Aug. 12, 2003

DECISION/ORDER NO:

1111



Ontario

Ontario Municipal Board

Commission des affaires municipales de l'Ontario

PL020446

Lionheart Enterprises Ltd., 583753 Ontario Limited, 625734 Ontario Inc. and others (collectively called Bayview East Landowners Group) have appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to the Official Plan for the Town of Richmond Hill to redesignate lands composed of Lots 26 to 30, Concession 2 and 3, E.Y.S., to establish the North Leslie Planning District and to implement a Secondary Plan for the North Leslie Area in order to facilitate the expansion of the Town's urban boundary

Town's File No. D01-00011

OMB File No. O020073

Lionheart Enterprises Ltd., 583753 Ontario Limited, 625734 Ontario Inc. and others (collectively called Bayview East Landowners Group) have appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to the Official Plan for the Regional Municipality of York to redesignate lands composed of Lots 26 to 30, Concession 2 and 3, E.Y.S., from "Agricultural Policy Area" to "Urban Area" and to add the lands to the "Urban Transit Area"

Region's File No. D05 102.41

OMB File No. O020096

E. Manson Investments has appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to the Official Plan for the Regional Municipality of York to redesignate lands composed of Lots 26 to 30, Concession 2 and Part of Lots 26 to 30, Concession 3 E.Y.S. in the Town of Richmond Hill from "Agricultural Policy Area" to "Urban Area" and to add the lands to the "Urban Transit Area"

OMB File No. O030043

E. Manson Investments has appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to the Official Plan for the Town of Richmond Hill to redesignate lands composed of Lots 26 to 30, Concession 2 and Part of Lots 26 to 30, Concession 3 E.Y.S. from "Agricultural Policy Area" to "Urban Area"

OMB File No. O030046

APPEARANCES:

Parties

Bayview East Landowners Group

Counsel*/Agent

J.L. Davies* and M. Melling*

Monday, November 3, 2003 at 10:00 a.m. It is hoped that facilities in the Richmond Hill Offices can be made available for this. However, they may be undergoing renovations; the location will be one of the subjects to be discussed at a further future pre-hearing conference.

The witness lists have already been exchanged based on the previously issued order, but all other dates have now been modified and re-issued in the revised procedural order, issued with this decision as Attachment 1.

The proponents have requested an additional status hearing to be held before the hearing commences to ensure that all the arrangements are set. This will be held on Thursday, September 4, 2003 beginning at 10:00 a.m. It will be held in Region of York facilities located at 50 High Tech Road, 3rd Floor, Richmond Hill (near the intersection of Yonge Street and Highway 7.)

Some of the parties have also suggested that OMB sponsored mediation may be useful in dealing with some of the issues and parties. The Board remains open to this and will re-visit the question with the interested parties at the next pre-hearing in September and set in place the procedures as necessary.

→ July 17

Motion by the Mr. Beaman for the Town and Ms Foran for Manson

The Town, represented by Mr. Beaman, and E. Manson Investments Ltd., represented by Ms Foran, filed countering motion materials to assist the Board in dealing with the question of the application of the *Oak Ridges Moraine Conservation Act* ("the Act") to the lands of E. Manson Ltd. ("Manson"). Because of a ruling made by our predecessor panel in this file, the appeals relating to the Manson lands have been consolidated with the matters generally now referred as the Bayview East Landowners Group *et al.* appeals. The Manson lands are located north of 19th Street, outside the block represented in the main appeal. However, Mr. Lee's ruling included the Manson lands as related and warranting combined consideration. It was made clear however, that the decision to consolidate did not automatically grant an equal status to the Manson lands as are applicable to the Bayview East Landowners lands.

In a nutshell, the totality of the lands under appeal fall into three main categories. The first are those that are unaffected by the *Oak Ridges Moraine Conservation Act* and are outside the Plan Area. A large portion of the lands in the Bayview East *et al.* appeals fall into this category. Parties representing these lands have little interest in today's debate.

The next group comprises those properties that are within the Plan Area and are affected by the Act, but because applications were filed for them before November 17, 2001 (the date identified in Section 15(1) of the Act) for which no decision had yet been made, they enjoy the benefits of a transition process identified in the Act. The transition provisions permit some development, but only within the constraints set out in accordance with the designations and policies of the Plan. A portion of the Bayview East Landowners properties and that of some other property owners falls indisputably in this category by virtue of applications filed in advance of the relevant date. The "others" include, as Mr. Melling asserts on behalf of Mr. Kagan (DeMelo) and others, all landowners whose lands fall within the area that is the subject of the Bayview East Landowners' formal application, even though the application pertaining to their lands may have been made by Bayview and not by the specific owners. There is little apparent dispute of this and the Board agrees and so rules.

The final group comprises lands that are in the Plan and are affected by the Act, but have no applications suitably filed for them. These lands are subject to an effective prohibition on development based on their location in the Plan Area.

It is important to note, again with the assistance of Mr. Melling, that the Board is not dealing with the location of the line associated with the Oak Ridges Moraine. This is firmly set in the law and the Plan and cannot be modified by a ruling or the Board. Rather, the question under consideration is one pertaining to the status of lands within the line, based on any outstanding development applications, and the application of the Act.

Mr. Beaman, along with Ms Foran, helpfully set out the circumstances and reviewed what they regarded as the key decisions that had accumulated on the issue to date, for the assistance of the Board. However, Mr. Beaman did not argue a firm position, but instead was under instruction to seek direction from the Board on how the

Manson lands should be treated. While there were some modest differences of interpretation, these had more to do with emphasis rather than with firm positions.

Ms Foran asserts that the Manson lands should enjoy the same status as the Bayview East Landowners by virtue of applications filed in 1997 and maintained since then without interruption. She explained that her client became involved as applicants at the time that development was approaching their lands in the mid 1990s. They played a part in a consultative process sponsored by the Town at the time, and following this, they made applications that asserted a clear intention to seek development approvals. The applications were accepted by the Town and no question was raised at the time by the Town as to their appropriateness or whether they were complete.

In the further pursuit of their applications, they became involved as parties in the ill-fated OPA 200 appeals, and have never abandoned their plans to develop. Ms Foran firmly asserts that this is not simply the resuscitation of an old application, but instead, the clear continuation of an ongoing and active plan to have their lands included for eventual development in this round of planning approvals. In short, Ms Foran claims that there is a clear "nexus" or a consistent aspiration by her client that establishes a firm right to have their application shelter under the transition provisions of the Act and the Plan.

None of this was firmly contested and is a matter of common ground more or less. The issue is whether the subsequent application for a Regional Official Plan Amendment ("ROPA") which corresponds to the prior applications would also enjoy the protection of the transition section of the Act. The ROPA was applied for in 2002 well after the November 17, 2001 date stipulated in the Act. The Act is not as clear as it might be at section 17(1) where this subject is discussed:

- 17(1) If a decision made under the *Planning Act* or section 9 of the *Condominium Act*, 1998 with respect to land to which the Oak Ridges Moraine Conservation Plan applies is conditional on further approvals under either of those acts, the decision on the application for the further approval shall be made in accordance with same requirements of the Act that applied to the original decision. (emphasis added)

The logic of the transitional section (section 15) is to provide that lands for which an application is made before November 17, 2001 shall enjoy a certain status. This is a continuation of the Board's common practice of applying the policy regime extant on the date of the application, and not to require a retroactive application of policy.

The purpose of section 17(1) is to provide clarity where, as is commonly the case, the planning process requires more than one application for a single proposal. The logic of this section, as Mr. Beaman correctly infers, is that once an application for development is filed - for instance an amendment to the local plan - that pre-dates November 17, 2001, then any further applications needed for the development to proceed - for instance a subdivision or site plan - should be treated under the same rules and should enjoy the same status as the first application, even if it comes after November 17, 2001.

My colleague, Mr. Daly, found this to be a reasonable interpretation of the section 17(1) words "is conditional on further approvals" (*Sandhill Aggregates Limited v. Township of Uxbridge*, O.M.B. Decision/Order No. 0693, May, 2002). He concluded that any further applications and decisions meant to implement or carry out the first application should enjoy the same status. While this clearly applies to matters that are implementary of the first decision and where the first decision is "conditional on further approvals," it does not necessarily follow that it should also apply to an application which is a precondition to proceeding, such as a Regional Official Plan Amendment passed after the relevant date. Mr. Beaman is not sure. Mr. Sinclair offers no firm submissions, but appears to doubt that the ROPA should automatically enjoy a similar protection based on Section 17(1).

My colleague, Ms Eger, established a useful principle which is of some assistance in dealing with this question (*Rizmi Holdings Limited et al. v. City of Vaughan*, O.M.B. Decision/Order No. 0581, May, 2003). She concluded that it would only make sense that once a clear intent is established by way of a completed and acceptable application (whatever may be its merits), all related applications should be assessed using the same set of rules. To do otherwise would be to presume an absurdity on the part of the legislation, one that would contemplate assessing one aspect of an application by one set of rules and policies, and another aspect of the same proposal under another, perhaps drastically different set of rules.

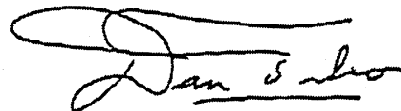
- 13 -

PL020446

The Board concludes from all this that the intent of section 17(1) of the Act is to solve a problem created by the administrative necessity of making several applications for what is effectively and ultimately one common proposal for development. Whether those applications are implementary of a prior application or are a pre-condition to the first application, they together express and represent the same proposal. By any measure of fairness, a proposal and its proponent should be made to comply with only one set of rules. To require adherence to separate conflicting policy regimes or to apply policies retroactively simply because separate administrative aspects of the same proposal were applied for at different times, is both unfair and unnecessarily complex.

The ruling of the Board is therefore, that all aspects of the application by owners of the Manson lands, including the Regional Official Plan Amendment filed in 2002 should enjoy a similar status and should be considered together under the transition sections of the *Oak Ridges Moraine Conservation Act*.

So orders the Board.



D. TILSON
VICE-CHAIR



B.W. KRUSHELNICKI
MEMBER

March 15, 2004

Ms. Patricia A. Foran
Aird and Berlis
Barristers and Solicitors
BCE Place
Suite 1800, Box 754,
181 Bay Street
Toronto, ON M5J 2T9

Dear Ms. Foran:

**Re: Amendment 41 to the Official Plan for the Region of York
Oak Ridges Moraine Conformity Amendment
Lands of E. Manson Investments**

We have received your letter of March 2, 2004 in regard to Regional Amendment 41 and the proposed Minister's modifications to the transitional policies.

Since the ability to approve modifications is solely within the purview of the Minister, we have forwarded your letter to Mr. David Sit at the Ministry of Municipal Affairs and Housing for his response and any action deemed necessary. Please contact Barbara Jeffrey, Principal Planner at 905-895-1231 extn 1526, if you have questions.

Sincerely,

ORIGINAL SIGNED BY BRYAN TUCKEY

Bryan W. Tuckey, M. C. I. P. , R. P. P.
Commissioner of Planning and Development Services

BJ/bj

Copy to: David Sit, Planning Advisor, Ministry of Municipal Affairs and Housing.
Attachment- Aird and Berlis letter and attachment

From: David Williams [<mailto:williams@davieshowe.com>]
Sent: Monday, March 01, 2004 2:04 PM
To: Jeffrey, Barb
Cc: Jeff Davies; Michael Melling; Mark Flowers; John Alati

Subject: RE: ROPA 41- Ministry modifications etc.

1. We will not be requesting a deputation at the meeting on March 03 2004.

2. While we have specific concerns regarding certain, proposed modifications to ROPA 41 relative to several of our clients, we have a general concern that applies to all of our clients. Namely, with respect to the proposed Transitional Provisions. You may recall it was our earlier position that Section 2.5 [31] - Consolidated Version of ROPA 41, May 2003 - amended Section 17 of the Oak Ridges Moraine Conservation Act, 2001["the Act"]and, as such, it should be deleted. The Minister's proposed modifications reflect proposals in Bill 27, which is not law, and exacerbate this situation.

To make modifications to any part of ROPA 41 on this basis is not appropriate, and should not be supported by the Region. Therefore, it is our position on behalf of our clients, that the "new" Transitional Provisions of ROPA 41 be deleted, and that the Transitional Provisions included in ROPA 41 be in accordance with requirements of "the Act".

David J. Williams.
Davies Howe Partners
99 Spadina Avenue,
Toronto, ON
M5R 2T1

March 30, 2004

Mr. David Williams
Planner
Davies Howe
Barristers and Solicitors
99 Spadina Avenue
5th Floor
Toronto, ON M5R 2T1

Dear Mr. Williams:

**Re: Amendment 41 to the Official Plan for the Region of York
Oak Ridges Moraine Conformity Amendment**

We acknowledge receipt of your Email dealing with the Proposed Minister's modifications to the Transitional provisions of ROPA 41.

Since the ability to approve modifications is solely within the purview of the Minister, we have forwarded your letter to Mr. David Sit at the Ministry of Municipal Affairs and Housing for his response and any action deemed necessary. Please contact Barbara Jeffrey, Principal Planner, 905-895-12312 ext. 1526, if you have questions.

Sincerely,

ORIGINAL SIGNED BY BRYAN TUCKEY

Bryan W. Tuckey, M. C. I. P. , R. P. P.
Commissioner of Planning and Development Services

BJ/bj

Copy to: David Sit, Planning Advisor, Ministry of Municipal Affairs and Housing.
Attachment - Davies Howe communication

Policy\P07 - Planning Committee\2004\March 2004\ROPA 41\Davies Howe acknowledgement.doc

LUCAS & ASSOCIATES

Consultants in Planning and Land Development

24 Debra Crescent,

Barrie, Ontario,

L4N 3T1

(705) 721-9635 Fax (705) 721-7367

SENT BY FACSIMILE (905) 895-3482

March 2, 2004

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

Attention: Ms. Barbara Jeffrey

Dear Ms Jeffrey:

Re: **PROPOSED OFFICIAL PLAN AMENMDMENT #41**

We are the planning consultants for Rizmi Holdings Limited and Lucia Milani, owners of lands identified as the West ½ Lot 30 Concession 2, West ¼ Lot 31 Concession 2, North ½ of the East ½ Lot 30 Concession 2, and East ¾ lot 31, Concession 2 in the City of Vaughan. Generally these lands are located between Dufferin Street and Bathurst Street, north of Teston Road.

In total, the four properties cover an area of approximately 141 hectares. All four properties are located within the Oak Ridges Moraine and are subject to the Oak Ridges Moraine Conservation Plan and the Region's proposed Official Plan Amendment #41. The ORMCP plan designates the properties Natural Core Area, Natural Linkage Area and Countryside.

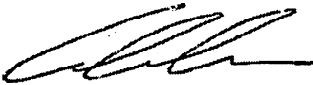
We have reviewed the Region's response to the Minister's Modifications to Amendment 41 and we have the following concerns.

1. Rizmi Holdings and Lucia Milani filed residential applications within the City of Vaughan in 1989 (OP 58.89 and Z 127.89) on lands located at Part of Lots 30 & 31, Concession 2. These application fall under the definition of "transitional" according to the Oak Ridges Moraine Conservation Act/Plan and should be included in your Attachment 3b in the proposed modifications. The applications have not yet been sent to the Region by the City and should fall under the section

of Schedule 3b called "Other Applications in Vaughan on Moraine but not yet forwarded to Region by Area Municipality".

2. It appears that the boundary of the ESA on Map 12 is incorrect as it applies to the West ½ Lot 30 Concession 2 (Rizmi property) and the West ¼ Lot 31 Concession 2 (Milani house property). The disturbed pit area on the Rizmi property and the area around the existing residence on the Milani house property are outside of the ESA boundary. Map 12 incorrectly shows these areas as forming part of the ESA.
3. We wish to reiterate a concern we expressed in our letter dated May 21, 2003. OPA 41 proposes to consider Environmentally Significant Areas (ESA's) identified by the Conservation Authority to be a key natural heritage feature, even though the Oak Ridges Moraine Conservation Plan does not. Paragraph 10 provides for refinements to the boundaries of the key natural heritage features without an amendment to the Official Plan. However, if as a result of a site specific study or updated information the boundary of the ESA is adjusted, an amendment to the Official Plan is required because Paragraph 10 only refers to update information from the Province, not from the Conservation Authority. It is our opinion that Paragraph 10 should include reference to the Conservation Authority in the case of an adjustment to the boundary of an ESA.

Yours truly,
Lucas and Associates



Per: Glenn Lucas B.E.S.

c.c. Lucia Milani, Rizmi Holdings

GOODMANS

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mstewart@goodmans.ca

March 3, 2004

Our File No.: 02-1562

DELIVERED VIA FACSIMILE

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

Attention: Planning & Economic Development Committee

Dear Sirs/Mesdames:

**Re: Proposed OPA 41 to the York Region Official Plan ("ROPA 41")
Oak Ridges Moraine Conformity Amendment**

We are solicitors for Venturon Development (Rutherford) Inc., the owner of lands located within Block 11 (Part of Lot 19, Concession 2) in the City of Vaughan. We previously submitted comments to the Region of York on behalf of our client in regard to earlier drafts of ROPA 41, and subsequently submitted comments to the Ministry of Municipal Affairs (the "Ministry") in respect of the adopted version of ROPA 41.

Our client has reviewed the proposed Ministry modifications to ROPA 41, and continues to have concerns with some of the proposed policies. In particular, Policy 2.5.12 is inconsistent with Section 21 of the Oak Ridges Moraine Conservation Plan ("ORMCP"), as it refers only to Secondary Plans, MESPs and FSPs approved on the basis of environmental studies, but does not refer to Zoning By-laws. Given that Section 21 of the ORMCP expressly states the provisions of an applicable Official Plan or Zoning By-law prevail to the extent of any conflict over the buffers and setbacks otherwise established under the ORMCP, it is unclear why Policy 2.5.12 fails to refer to Zoning By-laws. So far, no valid planning reason has been put forward to justify this omission.

Our client also has concerns in respect of Policy 2.5.10, to which the Ministry proposes to add the following third paragraph: "Notwithstanding this, local municipalities will be required to amend their Official Plans and Zoning By-laws whenever a change is proposed to the extents of these features." We concur with Regional planning staff that such a modification is inappropriate for an upper-tier plan. Given that any minor changes made to the extent or presence of natural features on the ROPA 41 mapping will likely result from site specific studies necessary to correct lack of detail and/or inaccuracies in such mapping, we believe that the proposed third paragraph of Policy 2.5.10 is both unnecessary and unworkable.

GOODMANS

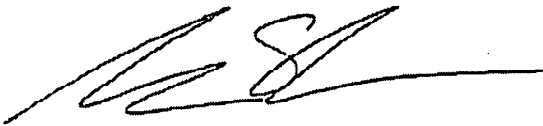
Page 2

We would be pleased to discuss these submissions in greater detail. Please do not hesitate to contact us if you have any questions or require any further information.

Yours very truly,

GOODMANS LLP

Per:



Michael Stewart
MGS/ss

cc: Donna Lue, Venturon Development (Rutherford) Inc.
Barbara Jeffrey, Region of York, Planning Department
David Sit, Municipal Planning Advisor, Ministry of Municipal Affairs

G26STEWAK/IM4511186.1

March 30, 2004

Mr. Michael Stewart
Goodmans
250 Yonge Street
Suite 2400
Toronto, ON M5B 2M6

Dear Mr. Stewart:

**Re: Amendment 41 to the Official Plan for the Region of York
Oak Ridges Moraine Conformity Amendment
Venturon Development Corporation**

I acknowledge receipt of your letter of March 3rd regarding the proposed Minister's modifications to ROPA 41.

With regard to your first point dealing with the omission of the reference to "zoning by-laws" in Policy 2.5.12, as you point out, Section 21 of the ORMCP does refer to zoning by-laws. Regional staff supports a further modification to Policy 2.5.12 to include this reference. If the Ministry accepts this, the Policy will now read:

12. In Urban Areas and Towns and Villages, designated on April 22, 2002 and shown on Map 11, where secondary plans or Master Environmental Servicing or Functional Servicing Plans **or zoning by-laws** are approved based on environmental studies that have identified ~~minimum vegetative protective zones or minimum areas of influence that are setbacks, buffer zones or standards~~ different from those identified in the ORMCP, then the standards established within those plans shall prevail.

With respect to your second point, dealing with the Ministry's proposed modification to Policy 2.5.10 to require local municipalities to amend their plans when refinements are made to KNHFs or HSFs, we understand the Ministry has now amended this position and expect them to delete this proposed modification.

Since the ability to approve modifications is solely within the purview of the Minister, we have forwarded your letter to Mr. David Sit at the Ministry of Municipal Affairs and Housing for his response and actions deemed necessary.

I trust this assists you, please contact Barbara Jeffrey, Principal Planner, at 905-895-1231 ext. 1526, if you have questions.

Sincerely,

ORIGINAL SIGNED BY BRYAN TUCKEY

Bryan W. Tuckey, M. C. I. P., R. P. P.
Commissioner of Planning and Development Services

BJ/bj

Copy to: David Sit, Planning Advisor, Ministry of Municipal Affairs and Housing.
Karen Antonio-Hadcock, Senior Planner, City of Vaughan
Attachment – Goodmans letter

Michael J. McQuaid

E-mail mcquaid@weirfoulds.com
Direct Line 416-947-5020
File 00056.00004

WeirFoulds^{LLP}
BARRISTERS & SOLICITORS

March 12, 2004

VIA COURIER

Regional Municipality of York
17250 Yonge Street
P.O. Box 147
Newmarket, Ontario L3Y 6Z1

Attention: Barb Jeffrey, Principal Planner

Dear Ms. Jeffrey:

**Re: Regional Official Plan Amendment 41 – The Oak Ridges Moraine
Conformity Amendment, Proposed Minister's Modifications**

We act for West Hill Redevelopment Company Limited, the proponents of a project in the Town of Aurora at Bloomington and Leslie. The project is noted as Item No. 2 for Aurora on attachment 3b. and a number of files are open at the OMB relating to this proposed golf course cluster town house proposal.

We have reviewed the report of the Commissioner of Planning and Development Services dated March 3, 2004 dealing with the Regional Response to the Minister's modifications.

We have two concerns with the Map Schedules in the report.

When we received notice of the report, we asked our environmental consultant, Dr. Derek Coleman of Ages Consultants, to look at the report with particular respect to our client's proposal.

Dr. Coleman responded by sending me a memorandum dated March 5, 2004 explaining that there were two errors on two of the maps, Map 2 and Map 12. Rather than repeating his comments we have attached copies of his memo and the supporting drawings that show that the Region's maps do not accurately reflect the ESA's as determined by the TRCA.

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P.O. Box 480, 130 King Street West
Toronto, Ontario, Canada M5X 1J5

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Facsimile 416-365-1876
Website www.weirfoulds.com

We would ask that the Region's maps as submitted to the Minister be amended to reflect the ESA's as determined by the TRCA.

Yours very truly,

WeirFoulds LLP

Laura James
for
Michael J. McQuaid

MJM/ljj

cc Victor Doyle, Manager, Community and Development
Ministry of Municipal Affairs and Housing (with enclosures)
cc Lloyd Cherniak (without enclosures)

728418.1 (Rev. March 12, 2004)

Memorandum

Ages Consultants Limited

155 Glenforest Road
Cambridge, Ontario
N3C 1V6
(519) 658-6085
FAX (519) 658-6037

To: Mike McQuaid, Weir and Foulds

Date: March 5, 2004

From: Derek J. Coleman, PhD.

Cc: Lloyd Cherniak, Lebovic

Re: York Region OPA 41, Map Inconsistencies

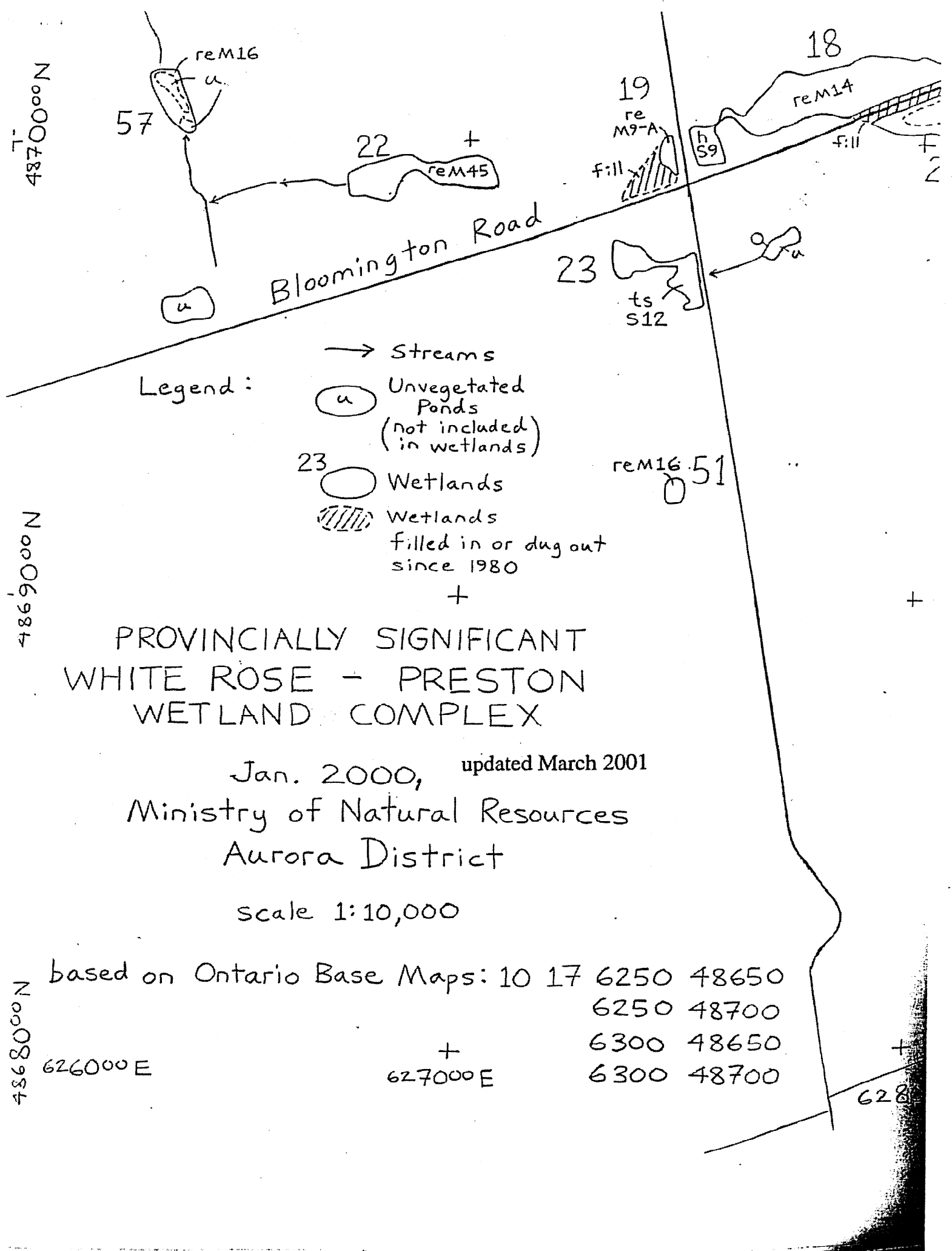
In looking at the Map schedules accompanying OPA 41 in York, I have found errors in two of the maps with respect to the Lebovic (Westhill Redevelopments) property at Bloomington and Leslie in Aurora (Lots 11 and 12 Conc. III EYS and Lot 12 Conc. II EYS).

1. York Map 2 shows wetlands on the Oak Ridges Moraine in the Region. The map is in error with respect to the Lebovic property due to what appears to be a digitizing error. I attach a zoomed up copy of this map for the lots as well as the OMNR 2001 inventory for the same area. This inventory was done using field survey techniques. On the OMNR inventory, you will see that Wetland Units # 15 and 17 are separate features, joined by a small drainage course. On York Map 2, these two units are shown as joined by a linking wetland. I have also looked at this area in the field and there is not such a linking wetland feature.
2. On York Map 12, Environmentally Sensitive Areas (ESAs) are shown by a yellow cross-hatch. The ESA shown on the Map is in error for the Lebovic lands. There is a Bloomington Wetland ESA identified by TRCA in 1982 and I have attached a copy of the page showing the extent of the ESA. This wetland was dedicated in an approval for development on Bovair Trail. Subsequently, in 1996, TRCA conducted an update to the earlier inventory that recommended extension of the boundaries of the feature to include upland areas and additional features on the Lebovic lands. However, this draft study was not approved by the TRCA board and the boundaries for the ESA remain as per the 1982 report. Thus, the York Map 12 (zoomed copy also attached) is in error as it shows the 1996 draft. And not the approved boundaries.

I trust that this clarifies the matter.



DJC



March 30, 2004

Mr. Michael McQuaid
Weir and Foulds
The Exchange Tower
Suite 1600
PO. Box 480
130 King Street West
Toronto, ON M5X 1J5

Dear Mr. McQuaid:

**Re: Amendment 41 to the Official Plan for the Region of York
Oak Ridges Moraine Conformity Amendment
West Hill Redevelopment Company**

I acknowledge receipt of your letter of March 12, 2004 regarding your clients' lands in the town of Aurora. The information regarding ESA was the most recent information forwarded to the Region by the TRCA and was shown as part of the Environmental Policy Area on the Map 2 to this amendment as modified by Regional Council in May 2003. The mapping was intended to reflect only those ESAs which have been approved by the TRCA, therefore we have contacted the TRCA for clarification and, should a change to the mapping be necessary, the Ministry will be requested to modify the mapping.

Similarly with respect to your issue with the depiction of the wetlands on Map 2, the mapping, as you know is at a very small scale and minor differences in line widths, especially when these maps are enlarged are magnified. The wetlands are separate on the MNR data layers, but are connected by a Hydrologically Sensitive Feature – a Fish habitat stream. Further, policy 2.5.10 within ROPA 41, permits refinements to the areas shown on the mapping on the basis of site specific studies or updated information.

Since the ability to approve modifications is solely within the purview of the Minister, we have forwarded your letter to Mr. David Sit at the Ministry of Municipal Affairs and Housing for his response and actions deemed necessary. We will continue to work with you and Mr. Sit to ensure both accuracy and readability in the mapping and will advise you of TRCA's response to the issue of ESA status.

I trust this assists you, please contact Barbara Jeffrey, Principal Planner, at 905-895-1231 extn 1526, if you have questions.

Sincerely,

ORIGINAL SIGNED BY BRYAN TUCKEY

Bryan W. Tuckey, M. C. I. P., R. P. P.
Commissioner of Planning and Development Services

BJ/bj

Copy to: David Sit, Planning Advisor, Ministry of Municipal Affairs and Housing.
Susan Siebert, Director Planning, Town of Aurora
Attachment – Weir and Foulds letter

Policy\P07 - Planning Committee\2004\March 2004\ROPA 41\Weir and Foulds letter acknowledgement.doc



140 Rentfrew Drive, Suite 201, Markham
Ontario, Canada L3R 6B3
Tel: (905) 513-0170
Fax: (905) 513-0177
E-mail: mgpgen@mgp.ca

March 15, 2004

Mr. B. Tuckey, MCIP, RPP
Commissioner of Planning and Development Services
The Regional Municipality of York
17250 Yonge Street, Box 147
Newmarket, Ontario
L3Y 6Z1

Fax: 1-905-895-3482

03:1308

Dear Sir:

Re: OPA No. 41

I am the coordinator of the Block 12 Landowners Group in Vaughan. This is a 1,000 acres block located north of Major Mackenzie Dr. between Dufferin St. and Bathurst St. The lands are mostly within the Oak Ridges Moraine and are designated Settlement Area and Natural Core Area in the ORMCP.

Subdivision and Rezoning applications are being processed by Vaughan for most of the privately held lands. I believe that these applications conform with the Council approved Block Plan and the ORMCP. This can be verified by Vaughan.

I provided input to the Region's OPA 41 on behalf of the Block 12 Landowners prior to your Council's adoption of that document in the spring of 2003. At that time I was confident that our Block Plan conformed with OPA 41.

Vaughan Council approved the Block Plan in September, 2003 based on the input of City staff who advised Council that the Block Plan conformed with the ORMCP.

I have now reviewed the modifications to OPA 41 proposed by the Ministry of Municipal Affairs and have prepared this letter to clarify my understanding of the intent or interpretation of the modifications.

1. ANSI Mapping

the ANSI mapping on the Region's Map 12 is not current for Block 12. I understand that the correct mapping, which Vaughan received from the MNR in December 2003 will be used on Map 12 before the Ministry gives final approval endorsement.



Mr. B. Tuckey, *The Regional Municipality of York*

March 15, 2004

Page 2

(09:1308)

2. Section 2.5.34 Major Development

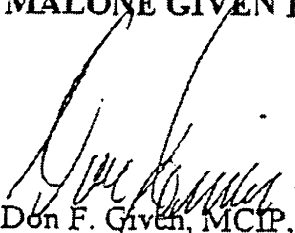
The ORMCP indicates that this requirement applies only to applications made after November 17, 2001 in Settlement Areas and to all applications where a Natural Core Area designation exists. I understand from discussions with Ms B. Jeffries of your staff and wish to confirm that the MESP for Block 12 approved by Vaughan satisfies the requirements of this section and that applications made before November 17, 2001 are exempt.

3. Attachment 3b) to your Council report on page 3 indicates that Block 12 has an outstanding OMB appeal dealing with the buffer width. I believe that Block 11 may have an appeal that is outstanding but Block 12 has settled with TRCA and Vaughan and has agreed to the buffers in the Council approved Block Plan.

I have also enclosed a copy of the ORMCP Conformity Report that I prepared for Block 12. Vaughan staff and Council accepted this report as a basis for approving the Block Plan and subsequent application. I hope it will be helpful to you.

Yours very truly,

MALONE GIVEN PARSONS LTD.



Don F. Given, MCIP, RPP
President

DG:jw

Enclosures

- cc. B. Jeffries - York Region, Fax: 1-905-895-3482
D. Sit - Ministry of Municipal Affairs & Housing, Fax: 416-585-6583
Block 12 Landowners
M. Flowers - Davies Howe, Fax: 416-977-8931

March 30, 2004

Mr. Don Given
Malone Given Parsons
140 Renfrew Drive
Suite 201
Markham, ON L3R 6B3

Dear Mr. Given:

**Re: Amendment 41 to the Official Plan for the Region of York
Oak Ridges Moraine Conformity Amendment
Block 12 Landowners Group, City of Vaughan**

I acknowledge receipt of your letter of March 15, 2004 regarding Block 12 in the City of Vaughan.

Firstly, we understand that there has been some updated information relating to the identification of the ANSI in the Block 12 area. While the information was not originally sent to the region, we have it in our possession now and will support a modification to the ANSI designation on Map 12. We have already spoken to David Sit about this issue and will continue to work with him and yourself in this regard.

Your second point deals with the practical application of the Ministry's modification to add Policy 2.5.34, which requires applications for Major Development within Block 12 to meet additional provisions relating to Section 43 (Water and Sewer) and 45 and 46 (Stormwater). Our understanding of this clause is that the approval authority (the City of Vaughan) would need to assure itself that this clause was met for all major development applications commenced after November 17, 2001. In a Block with an approved MESP it is expected that the development would comply with the approved MESP document. Assuming that the approved Block 12 MESP meets the ORMCP tests then there would not be an issue.

Your last point indicates that attachment 3(b) indicates an outstanding appeal on Block 12, which is not the case. This list has been supplied at the request of Ministry staff and has no status in terms of the ROPAQ. We will however, correct this information and advise David Sit of the correction.

Since the ability to approve modifications is solely within the purview of the Minister, we have forwarded your letter to Mr. David Sit at the Ministry of Municipal Affairs and Housing for his response and actions deemed necessary.

I trust this assists you, please contact Barbara Jeffrey, Principal Planner, at 905-895-1231 ext. 1526, if you have questions.

Sincerely,

ORIGINAL SIGNED BY BRYAN TUCKEY

Bryan W. Tuckey, M. C. I. P., R. P. P.
Commissioner of Planning and Development Services

BJ/bj

Copy to: David Sit, Planning Advisor, Ministry of Municipal Affairs and Housing.
Karen Antonio-Hadcock, Senior Planner, City of Vaughan
Attachment – Malone Given Parsons letter

P07 - Planning Committee\2004\March 2004\ROPA 41\Malone Givens Parsons letter acknowledgement.doc



King City Preserve the Village, Inc.
115 Clearview Heights
King City, Ontario
L7B 1H6

March 17, 2004

Mr. Bryan Tuckey,
Commissioner of Planning and Development,
Regional Municipality of York

Re: Regional Official Plan Amendment No. 41, ORMCP Conformity Amendment
MMA Comments – January 15, 2004 and Regional Planning Report – March 3, 2004

Dear Mr. Tuckey

I'm writing on behalf of King City Preserve the Village to clarify comments from Barbara Hendry, Regional Director, Municipal Services Office-Central in a letter dated January 15, 2004 regarding ROPA 41 and York Region's position regarding policies in the Regional Greenlands system and Natural Core Areas.

We are encouraged to see the inclusion of Map 4 combining the Natural Core Area and Natural Linkage Area Designations with the Regional Greenlands system. Maintaining the continuity of the Regional Greenlands system from Natural Core Areas through the Settlement Areas is vitally important. Streams, wetlands and other natural features must have consistent protection throughout York Region and beyond in order to sustain their functions. King City is an excellent example of this principle with its many stream corridors that act as important connective links between Natural Core Areas, significant wetlands, areas with natural vegetation and the East Humber River.

On page 2 of MMA's letter, Barbara Hendry states, "By taking this approach, it is our understanding that the lands within the Regional Greenlands system will be subject to the same policy requirements and restrictions as the lands designated as Natural Core Areas." We would like to clarify the Region's approach. Are the Regional Greenlands system and the Natural Core Areas intended to have the same policy requirements and restrictions?

We recognize Section 2.1 introduced in ROPA 41 regarding the Regional Greenlands system that states, "In these communities the Policy provisions of this Plan or local official plans or secondary plans, whichever are more restrictive, shall prevail." Will this have the effect of providing the same policy requirements and restrictions as the Natural Core Area in the Oak Ridges Moraine Conservation Plan?

Thank you for your attention to our questions and comments.

Sincerely,

A handwritten signature in dark ink, appearing to read "J. Bruce Craig". The signature is fluid and cursive, with a large loop at the end.

J. Bruce Craig, Acting President, KCPV
Work: 905-738-5497 Home: 905-833-3272

April 6, 2004

Mr. Bruce Craig
Acting President
King City Preserve the Village
115 Clearview Heights
King City, Ontario
L7B 1H6

Dear Mr. Craig:

**Re: Amendment 41 to the Official Plan for the Region of York
Oak Ridges Moraine Conformity Amendment
King City Greenlands Policy context**

I acknowledge receipt of your letter of March 17, 2004 regarding the Policy context for the Regional Greenlands System on the Moraine.

The issue of the Greenlands designations both within King City and on the wider Moraine area is an issue that Regional staff has been grappling with for sometime.

Except for the small Natural Core Area designations in the southerly part of King City, the ORMCP does not reflect NCA's or NLA's within Settlement Areas. As you know, on the basis of the King City Community Plan environmental designations, Regional Amendment #4 amended the Regional Greenlands Systems within King City to reflect the more detailed identifications shown in the King City Community Plan.

There were comments made during the public consultation on ROPA 41 from King residents which indicated to us that the more detailed Greenlands within King City should be carried forward into the Regions' ORMCP Official Plan Amendment. While the map designation is relatively easy to provide, the issue of the Policy framework is not as the ORMCP provides no policy guidance for Greenlands within settlement areas except for Key Natural Heritage Features and Hydrologically Sensitive Features.

Regional staff has therefore proposed a modification in ROPA 41 which has the effect of applying the more restrictive policy framework within Greenlands in settlement areas. What this means in King City is that the Townships' Community Plan policies for the environmental designations, if more restrictive than the KNHF and HSF policies would apply. If the KNHF and HSF policies of the ORMCP and more restrictive then they will apply.

King Township staff and consultants are currently preparing the zoning by-law amendments to implement the ORMCP and we are confident that the zoning provisions will be very restrictive

April 6th, 2004
Bruce Craig

2

in those areas reflecting the very limited permissions in the King City Community Plan or the ORMCP whichever is the more restrictive.

Since the ability to approve modifications is solely within the purview of the Minister, we have forwarded your letter to Mr. David Sit at the Ministry of Municipal Affairs and Housing for his response and actions deemed necessary and have also forwarded your letter to Township of King Planning staff.

I trust this assists you, please contact Barbara Jeffrey, Principal Planner, at 905-895-1231 ext. 1526, if you have questions.

Sincerely,

ORIGINAL SIGNED BY BRYAN TUCKEY

Bryan W. Tuckey, M. C. I. P., R. P. P.
Commissioner of Planning and Development Services

BJ/bj

Copy to: David Sit, Planning Advisor, Ministry of Municipal Affairs and Housing.
Stephen Kitchen, Director of Planning Township of King
Attachment – Bruce Craig letter

\\P07 - Planning Committee\2004\March 2004\ROPA 41\Bruce Craig letter acknowledgement letter.doc



Ira T. Kagan
Tel: 416-368-2100 Ext.226
Direct Fax: 416-324-4224
E-mail: ikagan@kzfs.com
File # 03034

March 11, 2004

By Fax (905-895-3031)

Mr. Denis Kelly, Regional Clerk
Regional Municipality of York
17250 Yonge Street
Newmarket, Ontario
L3Y 6Z 1

Dear Mr. Kelly:

Re: ROPA 41 and the Minister's Modifications

We are the solicitors for S. & Z. Mizrahi Ltd./ Mahtaf Investments Limited ("Mizrahi"), and Richmond Greenhouses, with respect to the above-noted matter. The Mizrahi property is located at the southwest corner of Bayview Avenue and 19th Avenue. The Richmond Greenhouse property is located on the east side of Bayview Avenue two lots south of the Mizrahi property. Portions of both properties lie above the 245m surveyed contour of the Oak Ridges Moraine ("ORM"). Both properties are part of the ongoing Ontario Municipal Board hearing dealing with the proposed North Leslie Secondary Plan.

Both of our clients own land with the proposed North Leslie Secondary Plan area in Richmond Hill. Both of these properties are subject to both local and regional Official Plan Amendment applications that predate November 21, 2001 and are thus governed by the transition provisions of the Oak Ridges Moraine Conservation Act, 2001. The Ontario Municipal Board, in July of 2003, heard a motion in which both the private sector (various landowners) and the public sector (Town of Richmond Hill, Region of York and Toronto and Region Conservation Authority) participated. The motion was for an order respecting the applicability of the transition provisions to the Mizrahi and Richmond Greenhouse lands (among others). The OMB ruled that both of the above-noted properties are properly governed by the transition rules of the Oak Ridges Moraine Conservation Act, 2001. This decision applied not only to Official Plans, but also to the zoning by-laws and plans of subdivision that would implement the decisions on the Official Plan Amendments. Neither the province nor any party appealed that decision.

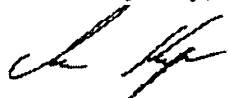
We have reviewed proposed amended ROPA 41 and have previously corresponded respecting the recognition of the Board's determination in any conformity amendment to be adopted by Regional Council (a copy of that letter is attached). We understand that proposed ROPA 41 is to be amended under proposed section 33 to reflect changes to the ORMCA proposed under the Province's draft legislation, Bill 27. However, we are concerned that such draft legislation may be, at a minimum, amended prior to an adoption by the Provincial Legislature. Accordingly, we believe that ROPA 41 should only reflect the in-force ORMCA and, in particular, the transition provisions set out in section 17 as they exist today.

Alternatively, and in order to avoid any possible interpretation that section 33 as drafted would alter our client's accrued and recognized full transition status, we would request that you amend section 33 in the draft ROPA 41, to specifically reflect the transition status of all of our client's development applications.

In addition to the foregoing, we note that proposed Map 13 - Areas of High Aquifer Vulnerability, which your staff have concluded is not required, may not reflect more refined and up-to-date mapping undertaken by the our client, the BEL Group, TRCA and York Region, in the context of the North Leslie OMB hearing. A report by Doug Jagger was recently prepared and filed with the TRCA (who has carriage of the environmental matters for the Region). The scope of work for this report was prepared with the concurrence of Mr. Rick Gerber (hydrogeologist for TRCA). Until this report is reviewed it would be premature to adopt Map 13. Accordingly, we believe that Map 13 should be excluded or it should be amended to reflect more up-to-date information.

Thank you for your consideration of this letter.

Yours very truly,



Ira T. Kagan
Encl.

cc. Julius DeRuyter
Claudio Brutto

FNRA\Miraki\Letters\Region March 11, 2004.Doc

March 30, 2004

Mr. Ira T. Kagan
Kagan Shastri
188 Avenue Road
Toronto, ON M5R 2J1

Dear Mr. Kagan:

**Re: Amendment 41 to the Official Plan for the Region of York
Oak Ridges Moraine Conformity Amendment
Lands of S and Z Mizrahi/Mahtaf Investments and Richmond Greenhouses, Town
of Richmond Hill, North Leslie**

We have received your letter of March 11, 2004 in regard to Regional Amendment 41 and the proposed Minister's modifications to the transitional policies and Map 13 Aquifer Vulnerability.

Since the ability to approve modifications is solely within the purview of the Minister, we have forwarded your letter to Mr. David Sit at the Ministry of Municipal Affairs and Housing for his response and any action deemed necessary. Please contact Barbara Jeffrey, Principal Planner at 905-895-1231 ext. 1526, if you have questions

Sincerely,

ORIGINAL SIGNED BY BRYAN TUCKEY

Bryan W. Tuckey, M. C. I. P., R. P. P.
Commissioner of Planning and Development Services

BJ/bj

Copy to: David Sit, Planning Advisor, Ministry of Municipal Affairs and Housing.
Janet Babcock, Commissioner of Planning, Town of Richmond Hill
Attachment – Kagan Shastri letter

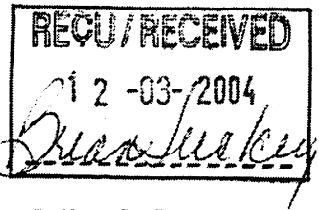


Davies
Howe
Partners

Lawyers

The Fifth Floor
88 Spadina Ave.
Toronto, Ontario
M5V 3A6

T 416.477.3068
F 416.477.8931
davieshowe.com



Please refer to: **Jeffrey L. Davies**
e-mail: jeffd@davieshowe.com

March 10, 2004

VIA FACSIMILE AND ORDINARY MAIL

Chairman and Members of Council
Region of York
P.O. Box 147
17250 Yonge Street
Newmarket, ON
L3Y 6Z1

Dear Chairman and Members of Council:

Re: Regional Official Plan - Amendment No. 41

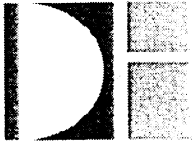
We are Counsel to several landowners in the Region whose properties are affected by the Oak Ridges Moraine Conservation Plan and the Region Conformity Amendment No.41 [ROPA 41].

Initially, we expressed concern that, as adopted by Council in May 2003, the Transitional Provisions of ROPA 41 [Section 31], did not conform to the provisions of Section 17 of the *Oak Ridges Moraine Conservation Act*, 2001 ["the Act"].

Recent, proposed modifications by the Ministry to ROPA 41, with respect to the "Transitional Provisions and Further Approvals", as recommended in the Report of the Commissioner of Planning and Development Services to the Planning and Economic Development Committee, dated March 3rd 2004, exacerbate this issue as they reflect changes to the *Oak Ridges Moraine Act* proposed in Bill 27, which is not law.

In our opinion it is inappropriate that ROPA 41 contain any Transitional Provisions that do not comply with the provisions of "the Act".

The recommendations of the Planning and Development Committee of March 3, 2004 are before you for adoption. We respectfully request that Council amend the



Davies
Howe
Partners

Page 2

Transitional Provisions of ROPA 41, as originally adopted and subsequently proposed to be modified, to comply with "the Act".

Yours sincerely,
DAVIES HOWE PARTNERS

Jeffrey L. Davies

JLD:dw

March 30, 2004

Mr. Jeffrey L. Davies
Davies Howe
Barristers and Solicitors
99 Spadina Avenue,
5th Floor
Toronto, ON M5R 2T1

Dear Mr. Davies:

**Re: Amendment 41 to the Official Plan for the Region of York
Oak Ridges Moraine Conformity Amendment**

We acknowledge receipt of your letter dated March 10, 2004 dealing with the Proposed Minister's modifications to the Transitional provisions of ROPA 41.

Since the ability to approve modifications is solely within the purview of the Minister, we have forwarded your letter to Mr. David Sit at the Ministry of Municipal Affairs and Housing for his response and any action deemed necessary. Please contact Barbara Jeffrey, Principal Planner, 905-895-12312 ext. 1526, if you have questions.

Sincerely,

ORIGINAL SIGNED BY BRYAN TUCKEY

Bryan W. Tuckey, M. C. I. P. , R. P. P.
Commissioner of Planning and Development Services

BJ/bj

Copy to: David Sit, Planning Advisor, Ministry of Municipal Affairs and Housing.
Attachment - Davies Howe communication

Policy\P07 - Planning Committee\2004\March 2004\ROPA 41\Acknowledgement\Davies Howe letter2.doc