

Barristers and Solicitors

Patricia A. Foran  
Direct: 416.865.3425  
E-mail: pforan@airdberlis.com

June 17, 2009

File No. 66490

**VIA EMAIL:** regionalclerk@york.ca

Planning and Economic Development Committee  
c/o Denis Kelly, Regional Clerk  
Corporate Services Department  
York Region Administration Building  
17250 Yonge Street, 4th Floor  
Newmarket, ON L3Y 6Z1

Dear Mr. Kelly:

**Re: Planning and Economic Development Committee  
Agenda Item D.3 – Draft York Region Official Plan – June 2009**

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We represent E. Manson Investments ("Manson"), owners of lands at the northwest corner of 19<sup>th</sup> Avenue and Leslie Street, in the Town of Richmond Hill.

### **Preliminary Comments on draft ROP proposed to be circulated**

We wish to thank your Staff, and in particular, Ms. Jeffrey, for providing us with additional information relating to this item, over this past weekend.

While we have had only a brief opportunity to review the draft ROP as it would relate to the Manson lands, which are located in the North Leslie secondary plan area, we have noted the following items as part of that initial review:

#### Urban Designation

The draft ROP recognizes all of the North Leslie lands as Urban, in accordance with the OMB decision respecting the North Leslie secondary plan. We support this recognition within the Plan.

#### Figure 2 - Designated Strategic Employment Lands

However, we note that certain lands in the North Leslie secondary plan area between Leslie and Highway 404 are proposed to be identified or designated as "Designated Strategic Employment Lands" (Figure 2). We do not believe that the designation is intended to apply to the Manson lands north of 19<sup>th</sup> Avenue and west of Leslie. If, however, it is intended to include any part of the Manson lands north of 19<sup>th</sup> Avenue, and west of Leslie Street, we would object to such an identification or designation.

The lands which are captured by the proposed designation as well as a portion of our client's lands are currently before the OMB for a rehearing respecting the appropriate designation of the lands. Accordingly, to identify the lands between Leslie and Highway

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404 as "Designated Strategic Employment Lands" is simply incorrect. No such designation has been approved for the lands.

In addition to the foregoing, we also note that the Region was advised through communication from the Province of Ontario dated September 26, 2008 (in response to an earlier Staff report which proposed to designate lands in this area as Regionally Significant Employment Area) that the Province did not support such a designation for the lands. We are not aware of any *Planning Act* process or application (including notice to affected landowners) in the interim period which would support the lands having been designated Strategic Employment Area.

We would request therefore that this identification be removed on Figure 2 prior to circulation of the draft OP to the public.

We expect that as the ROP is circulated prior to November, 2009, that further and more detailed comments will be forthcoming on the matter.

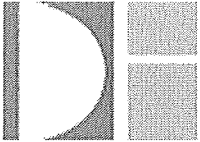
In accordance with our request of April 9, 2009, we would ask that we continue to be notified of any meetings that are scheduled to consider the draft ROP in the coming months.

Yours very truly,

AIRD & BERLIS LLP

Patricia A. Foran  
PAF/jag

cc: E. Manson Investments  
5420618.1



Davies  
Howe  
Partners

Lawyers

The Fifth Floor  
99 Spadina Ave  
Toronto, Ontario  
M5V 3P8

T 416.977.7088  
F 416.977.8931  
davieshowe.com

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**By E-Mail**

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c/o Denis Kelly, Regional Clerk  
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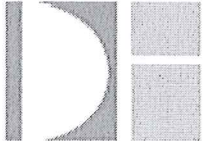
We are counsel to 775377 Ontario Limited (Belmont), Clearpoint Developments Ltd. and Upper City Corporation, owners of lands located within the southeast quadrant of Leslie Street and 19<sup>th</sup> Avenue, in the Town of Richmond Hill. These lands are located in the North Leslie Secondary Plan Area.

We thank you for acknowledgement of our request for notice regarding the York Region Official Plan and look forward to receiving continued notices of all meetings, open houses, actions, reports and other documents with respect to the proposed Regional Official Plan.

We have only had a brief opportunity to review the staff report and draft Official Plan, particularly as it relates to our clients' lands, but wish to note a few preliminary comments, recognizing that the purpose of this report is to formally initiate the circulation of the draft Official Plan posted this week on your website. A more fulsome analysis and comments will be forthcoming throughout the process outlined in staff's report.

Designation of Lands within the Urban Area

We support the inclusion of the North Leslie Secondary Plan Area within the Region's Urban Boundary in accordance with the decision of the Ontario Municipal Board respecting this secondary plan area.



Davies  
Howe  
Partners

Designated Strategic Employment Lands – Figure 2

It is inappropriate to show any part of my clients' lands as Designated Strategic Employment Lands, and we take strong objection to this identification on Figure 2. As the Region is well aware, our clients' lands are currently before the OMB, at a rehearing in which the Region has fully participated, and the critical question before the Board relates to their appropriate designation. These lands are not designated for employment uses and thus the reference to "Designated" is patently incorrect. It is in the OMB's hands to determine whether these lands should be designated for employment or residential uses and until such time as the OMB makes this decision, it is premature to reflect any specific land use designation on any Schedules circulated to the general public. It would be more appropriate to identify these lands as being subject to an Ontario Municipal Board hearing.

Moreover, on September 26, 2008, in response to a Staff Report which previously proposed to designate my clients' lands, among a number of other landholdings, as Regionally Significant Employment Areas, the Region was advised by the Province that the Province did not support such a designation for any of the lands, including my clients' lands. We have not been notified, nor are we aware of any *Planning Act* process or application since then which would support the lands being designated as proposed in the draft Regional Official Plan.

We, therefore, request that the identification of our clients' lands as Designated Strategic Employment Lands be deleted from Figure 2 prior to circulation of the draft Regional Official Plan to the public.

Once again, thank you for your acknowledgement of our request for notice and information about the timing of this update. We look forward to continued information and the opportunity for an ongoing dialogue.

Yours sincerely,

**DAVIES HOWE PARTNERS**

Susan Rosenthal

Copy: Clients  
Warren Sorensen  
Ms. Patricia Foran