



# LOOPSTRA NIXON LLP

BARRISTERS AND SOLICITORS

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September 10, 2014

**By E-Mail Only**

Corporate Services Department  
Regional Municipality of York  
York Region Administration Building  
17250 Yonge Street  
Newmarket, Ontario  
L3Y 6Z1

**Attention: Regional Chair and Members of Regional Council**

Dear Regional Chair and Members of Regional Council:

**RE: OPA No. 744  
Maria Pandolfo, Yolanda Pandolfo, Laura Pandolfo, Giuseppe Pandolfo,  
and Cathy Campione  
Part of Lot 23, Concession 7 and Part of Lot 24, Concession 7, Being Part 1  
of Plan 65R32195 S/T Interest in VA85349, City of Vaughan  
10390 Pine Valley Drive, City of Vaughan**

As you may be aware, I am the solicitor for Maria Pandolfo, Yolanda Pandolfo, Laura Pandolfo, Giuseppe Pandolfo, and Cathy Campione respecting the aforementioned matter.

I have reviewed a copy of Ms. Evans and Mr. Toyne's letter related to this matter which I believe was provided to the Region of York on September 10, 2014 and which will be considered by Regional Council tomorrow. On behalf of my clients I wish to respond as follows:

*Leadership by City and Regional Council:*

1. In their letter, Ms. Evans and Mr. Toyne (the "Objectors") ask for leadership, reason, and common sense to prevail in the decision made by Regional Council respecting this matter. In my respectful submission, City and Regional Staff and Councils have acted with great leadership, reason, and common sense in this matter by balancing the interests of all landowners and recommending the approval of Official Plan Amendment No. 744 ("OPA No. 744") with the proposed modifications. Moreover, in recommending the approval of OPA No. 744, City and Regional Staff and Councils have been guided by good planning principles and all applicable Provincial planning instruments as opposed to the mere conjecture and rhetoric offered by the Objectors.

*The Buffering Requested by the Objectors Is Contemplated In OPA No.744:*

2. As you are no doubt aware, OPA No. 744 recognizes that there will be a transition between the uses and provides for the mitigation of any negative impacts of those uses by the inclusion of the requirement of section IV, Paragraph 6, sub paragraph XV. To put it frankly, the Objector's request that "the City of Vaughan and Region of York [to] take a leadership role in establishing a fulsome and respectful buffering policy when urban development



abuts active farming and Greenbelt lands” has been addressed, and will continue to be addressed at the plan of subdivision phase of the proposed development where it is more appropriately dealt with.

My clients have stated for the record on many occasions, and most recently in my letter to Regional council dated September 3, 2014, that they are willing to work with the City and Region to implement reasonable buffering and screening measures.

My clients have attempted to work with the Objectors to come to a reasonable and amicable resolution to this matter, but they have been met with an unwillingness to resolve the issue. In fact, the Objectors have chosen to ignore the efforts and concessions made by my clients by continuing to reference the original plan which has been modified to address the issues they have raised.

*The Concerns Raised by the Objectors:*

3. The concerns raised by the objectors are: (i) trespass; (ii) harassment of livestock; (iii) vandalism; (iv) privacy; (v) the use of farm equipment; (vi) bio security; (vii) invasive plants; and, (viii) litter. None of these concerns relate to land use planning issues and it is therefore inappropriate to consider these concerns or to address the concerns in the context of an official plan amendment.

Moreover, in my opinion the Objectors have not raised any genuine concerns, but rather have just provided Regional Council with a list of potential concerns without any description of what may occur or an explanation as to why such things would be caused by permitting residential development adjacent to their property. For example, it is not enough to simply say the Objectors are concerned with vandalism without proffering any evidence whatsoever as to why this is a real and genuine concern.

It should also be noted that concerns (i), (ii), and (iii) (as numbered above) relate to criminal or quasi-criminal matters addressed by Federal and Provincial statutes including the *Criminal Code* and the *Trespass to Property Act* while issue (viii) (as numbered above) is addressed by the City of Vaughan’s Dumping and Littering By-law No. 3-2004. These are matters of enforcement and are not matters of land use planning.

Development of residential communities adjacent to and/or abutting agricultural operations is a common reality in Vaughan and throughout York Region. In my respectful submission, there is nothing proposed in OPA No. 744 which is unique.

*Other Claims Made by the Objectors:*

4. In their letter the Objectors claim that City of Vaughan Staff and “the developers” have committed “gross oversight or arrogant abuse of respect for authority”. This comment is highly inappropriate and is likely defamatory.
5. In their letter the Objectors allege that the buffering issue “is being swept under the carpet”. This allegation is incorrect in fact. As you are aware, and as I noted above, the buffering issue is squarely dealt with in OPA No. 744 at section IV, Paragraph 6, sub paragraph XV.
6. In their letter the Objectors maintain that they are making submissions in an effort to maintain their farming lifestyle. I reiterate that nothing in my clients’ application or OPA No. 744 prevents or even restricts the Objector’s lawful agricultural operations. Throughout the Region’s history many agricultural operations have successfully continued alongside residential developments and I see no reason why this would be any different here.



We agree with the Report of the Commissioner of Transportation and Community Planning which states that OPA No. 744 is consistent with the Provincial Policy Statement 2014, reflects the guiding principles of the Growth plan 2006, is in keeping with the York Region Official Plan 1994, protects all regional interests, and should be approved by Regional Council. We trust that Region Council will make the right decision and not accede to the mere conjecture, rhetoric, and likely defamatory comments submitted by the Objectors.

Should you have any questions with respect to the foregoing, please do not hesitate to contact the undersigned.

Yours truly,

LOOPSTRA NIXON LLP

Per:

A handwritten signature in blue ink, appearing to be 'Quinto M. Annibale', written over the printed name.

cc: Mr. Dennis Kelly, Regional Clerk  
Client

QMA/scf