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File No. 702420

June 27, 2017

By E-Mail Only to *christopher.raynor@york.ca*

Chairman Wayne Emmerson and Members of Regional Council
Regional Municipality of York
York Region Administrative Centre
17250 Yonge Street
Newmarket, Ontario
L3Y 6Z1

Attention: Mr. Christopher Raynor, Regional Clerk

Dear Chairman Emmerson and Members of Regional Council:

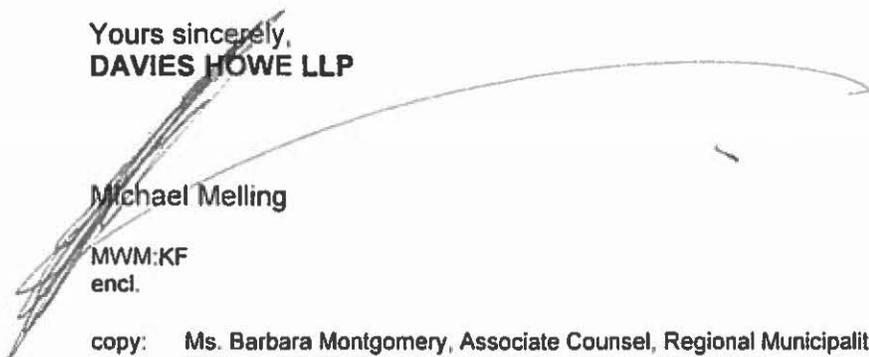
**Re: June 29, 2017 Regional Council Meeting
Agenda Item G.2 – Item 4 on the Report of the Committee of the Whole Meeting of
June 22, 2017
Applications for Official Plan Amendment and Draft Plan of Subdivision Approval
Referral Request to the Ontario Municipal Board**

I am writing further to my letter to the Committee of the Whole dated June 22, 2017, which is attached. The Committee recommended that Council refuse our clients' referral requests.

Because the same folks who read that letter are getting this one, I won't repeat what I said. I will simply say two things. First, for the reasons set out in my letter, our clients urge Council not to accept the recommendation, and instead to make the requested referrals.

Second, I will observe that a decision to refuse referral without a clear and unambiguous determination that the statutory test is met would be, in my almost 25 years of experience in Ontario planning law, unprecedented.

Yours sincerely,
DAVIES HOWE LLP


Michael Melling

MWM:KF
encl.

copy: Ms. Barbara Montgomery, Associate Counsel, Regional Municipality of York
Mr. Bruce Ketcheson, Counsel to the Town of East Gwillimbury
Clients



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June 22, 2017

By E-Mail Only to *stephanie.dumont@york.ca*

Chairman Wayne Emmerson and Members of the Committee of the Whole
Regional Municipality of York
Regional Clerk's Office
York Region Administrative Centre
17250 Yonge Street
Newmarket, Ontario
L3Y 6Z1

**Attention: *Ms. Stephanie Dumont, Committee Coordinator,
Office of the Regional Clerk***

Dear Chairman Emmerson and Members of Committee:

**Re: Committee of the Whole Meeting, June 22, 2017
Item D.2.3 – Requests for Referral to the Ontario Municipal Board
Applications for Official Plan Amendment and
Draft Plan of Subdivision Approval
Town of East Gwillimbury**

We are counsel to 669276 Ontario Limited and 651965 Ontario Limited, the proponents of the applications that are subject to the above-noted requests for referral to the Ontario Municipal Board (the "Referral Requests").

Due to the very limited time we have been afforded to respond to the Staff Report in front of you, I'm going to cut to the chase.

Your Staff are Rushing You

Our clients have been given a grand total of three (3) business days to respond to the Staff Report and its recommendations. There is no reasonable explanation – or any explanation for that matter – for the brevity of the notice, given that we submitted the Referral Requests more than three months ago.

Three days' notice is clearly insufficient given the gravity of the decision you're being asked to make. And in case you're wondering, the additional week we'll have before Staff takes this matter, as they intend, to Council, isn't enough time either.

Denying our clients an adequate opportunity to respond is a breach of procedural fairness and natural justice. It would be a complete failure of your duty.

Staff Want You Not Only to Deny Justice, but to Deny Access to It

There has only been time for a preliminary review of the Staff Report, so what follows reflects that fact.

The decision before you is to refuse our clients any opportunity for an Ontario Municipal Board hearing of their applications. The entire "case" for that proposed decision is what's in your agenda package. You have not consulted the public. You have not afforded our clients a full and proper hearing. You have not reviewed the lengthy and torturous history of the applications or the conduct of the Region or the Town during it.

In short, you have one side of a long story, and therefore no basis to terminate our client's applications.

And, while the Staff Report isn't short, it boils down to a single claim: that Staff believe that our clients' applications do not meet current statutory and policy tests for approval. With respect, that's not your decision to make. It's the Board's.

The decision before you is not like the ones you regularly make in approving or refusing applications. In those cases, there are appeal rights and access to O.M.B. hearings. While one *might* justify refusing a planning application based on the kind of record you have before you today, knowing that there will be a proper hearing of an appeal at the Board, there's no such avenue available to our clients if you don't refer their applications.

Finally, if you agree with Staff, and are confident in their judgment, that our clients' applications are bad planning and shouldn't be approved, then send them to the O.M.B. We'll all find out there, after a proper hearing.

Any other decision is a violation of natural justice and a dereliction of duty.

Yours sincerely,
DAVIES HOWE LLP


Michael Melling

MWM:KF

**copy: Ms. Barbara Montgomery, Legal & Court Services, Regional Municipality of York
Mr. Bruce Ketcheson, Counsel to the Town of East Gwillimbury
Clients**