

# AIRD BERLIS

Leo F. Longo  
Partner  
Direct: 416.865.7778  
E-mail: llongo@airdberlis.com

January 9, 2020

BY EMAIL: [rdillabough@georgina.ca](mailto:rdillabough@georgina.ca)

Our File No. 112062

Mayor and Council Members  
Town of Georgina  
26557 Civic Centre Road, R.R. #2  
Keswick, Ontario L4P 3G1

Attention: Rachel Dillabough, Town Clerk

Dear Madam Mayor and Council Members:

**Re: Maple Lake Estates ("MLE")  
OPA 129  
LPAT Decision, December 19, 2019**

---

We represent the North Gwillimbury Forest Alliance ("NGFA") in this matter. We also represented NGFA at the LPAT hearing of the NGFA appeal of OPA 129 as it affected MLE's property.

Our client is pleased that its appeal was allowed and that the Tribunal has ordered a modification to OPA 129 to remove the "urban residential area" designation from at least 92% of the MLE lands, and redesignate those lands as "environmental protection area". This area of redesignation includes all the wetlands and significant woodlands as depicted on the Region's Official Plan Maps 4 and 5, and also includes required buffer areas for those wetlands and woodlands, consisting of both vegetation protection zones<sup>1</sup> and adjacent lands<sup>2</sup>.

Please see the attached sketch, which shows the actual wetlands and woodlands in blue and two shades of green. It is our understanding of the decision that when taking into account the additional required buffer areas, the vast majority of the MLE lands have been redesignated "environmental protection area". Little remains of any MLE lands which retain the "urban residential area" designation.

We assume that the reduction of the "urban residential area" designation will now be depicted on OPA 129 Schedules A2 - Land Use Plan, A2 - Land Use Plan West, A2 - Lakeshore Areas West and D - Serviced & Unserviced Lakeshore Residential Areas and Special Servicing Policy Areas. We also assume that consistent with their treatment wherever they occur elsewhere within the "environmental protection area" designation, the woodlands and wetlands on the MLE lands will now be included within the "Greenlands System" on all Schedules A1, A2, B1, and B2.

The only matter which was before the Tribunal was OPA 129. The Town's Zoning By-law was not before the Tribunal for consideration. We look forward to Council rezoning the lands that

---

<sup>1</sup> Pursuant to the Regional Official Plan

<sup>2</sup> Pursuant to the Provincial Policy Statement, 2014.

January 9, 2020

Page 2

have now been designated "environmental protection area" to an appropriate site-specific OS – Open Space Zone that prevents any development or site alteration of the wetland/woodland areas and their respective buffers.

This rezoning is required under s. 26(9) of the *Planning Act* and will implement the Tribunal decision and *Planning Act* provisions [e.g. 34(1) 3.2] which allow zoning by-laws to prohibit any use of land and the erecting, locating or using of any class or classes of buildings or structures within significant wetland and woodland areas.

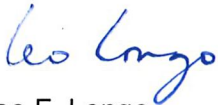
As passing this rezoning is in furtherance of the *Planning Act* requirement and is an exercise of Council's legislative powers, there can be no tenable suggestion that any claim for damages or compensation arises or results from such rezoning.

We appreciate that such a rezoning may take time in order to prepare and process such amendment. In the interim, Council has within its legislative planning "tool box" the ability to enact an Interim Control By-law to ensure that no development occurs on the lands that have now been designated "environmental protection area" pending the passage of the required implementing zoning by-law.

We look forward to working with Council and municipal staff to ensure that the LPAT decision is fully and properly implemented.

Yours truly,

AIRD & BERLIS LLP



Leo F. Longo

LFL/ly

c. Client  
Anthony Usher  
Andrew Biggart  
David Bronskill  
Region of York, Legal Department

38475105.1

AIRD BERLIS

Base: Schedule B1, Georgina OP

Maple Lake Estates

# Eastbourne

- Woodland
- Woodland & Wetland
- Wetland

Anthony Usher, January 9, 2020

