

Torkin Manes LLP  
Barristers & Solicitors  
151 Yonge Street, Suite 1500  
Toronto, Ontario M5C 2W7

Tel: 416-863-1188  
Fax: 416-863-0305  
www.torkinmanes.com

**Barry D. Lipson, Q.C.**  
*Legal Services provided through Barry D.  
Lipson, QC Professional Corporation*  
Direct Tel: 416-777-5438  
Direct Fax: 1-888-587-5768  
blipson@torkinmanes.com

Our File No: 13318.06

An international  
member of  
**AllyLaw**

**Torkin|Manes**  
Barristers & Solicitors

November 11, 2016

**Sent via E-mail and regular mail**

The City of Burlington  
426 Brant Street  
P.O. Box 5013  
Burlington, ON L7R 3Z6

**Attention: Ms. Angela Morgan, City Clerk**

Dear Ms. Morgan:

**Re: Orchard Community East Ownership Group ("OCE Owners") and the  
Proposed Development by Adi Development Group Inc. ("Adi") for  
5210-5236 Dundas Street and 2500 Burloak Drive  
City File Nos. 505-04/12 and 520-15/12**

---

As the Trustee for and on behalf of the OCE Owners, I respectfully ask that this letter be placed on the agenda for the December 13, 2016 meeting of the Development & Infrastructure Committee ("D & I")

I last appeared before the D & I on May 17, 2016 at which time members of the Committee urged the Planning Director to deal equitably with the issue of reimbursement to OCE of the costs incurred by OCE in providing the infrastructure servicing that Adi claims a right to enjoy without expense.

Following the May 17 meeting, Mr. Blake Hurley undertook to achieve a monetary resolution. In spite of his commendable efforts and in spite of compromises offered by OCE, no resolution has been achieved.

Because the City's Planning Director has been empowered by prior Council resolution to deal with the Adi application for draft plan condominium approval without further involvement by Council I would respectfully ask that D & I consider one of the following two options:

1. Once the Planning Director's decision has been made this matter should then be returned to Municipal Council for final consideration and that a resolution be passed today directing the staff not to utilize Section 9 (10) of the *Condominium Act* by granting Adi

an exemption under Section 51 of the *Planning Act* exempting Adi from the *Planning Act* process. If such an exemption were to be granted, there would be no public notice, no referral to Council and no appeal to the Ontario Municipal Board possible under the *Planning Act*. As a matter of administrative law, a decision made by a City staff member from which there is no appeal is quite unprecedented.

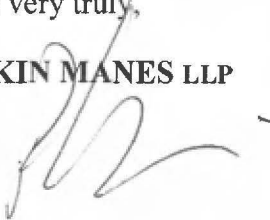
2. Revoke the delegation of authority previously granted to the Planning Director on this matter and have Council impose a reimbursement condition into the draft plan condominium application.

Thank you for your consideration.

Yours very truly,

**TORKIN MANES LLP**

Per:



Barry D. Lipson, Q.C.  
BDL/nz

- cc. Mayor R. Goldring, City of Burlington  
Councillor B. Lancaster, City of Burlington  
Councillor J. Dennison, City of Burlington  
Councillor M. Meed Ward, City of Burlington  
Councillor P. Sharman, City of Burlington  
Councillor R. Craven, City of Burlington  
Councillor J. Taylor, City of Burlington  
J. Ridge, City of Burlington  
M. Tanner, City of Burlington  
B. Hurley, City of Burlington  
S. Kade, City of Burlington