

We live at 6515 McNiven Road, a rectangular 6.2 -acre lot in the center of the settlement area designated to allow growth and protect the surrounding country side. Our goal was to place a home on the front West side similar to the houses across the street and throughout the area. The home would be built at the front of the lot in the less treed area dominated by Ash trees that are infected with the [Emerald Ash Borer](#). In the back of the lot adjoining our neighbors lot there are crops of rocks and much denser tree covering. The back area makes no environmental, economic, or common sense to build on, this is the area that the different bodies are referring to on our property as sensitive area, not where we intended to build.

My family and I have lived in Burlington for the past twenty years and fell in love with the Kilbride area when my husband used to travel up Cedar Springs to work in Milton. We thought it would be a wonderful place to raise our four children and looked-for property for more than a year before settling on 6515 McNiven Rd in 2003. Our home sits on a 1 ½ acre parcel to the south of the 4+acres of forest. At the time of our purchase, the seller's realtor was advertising the home with the potential of severing land in the forest. AS with all projects my husband and I take on, we did some due diligence (we weren't sure that we would want to sever any land, but wanted to at least know our options). So, we reached out to the City of Burlington and were directed to the Region of Halton (due to the water concerns). Upon inquiring about the possibility of future severance, we were informed that as the land had just recently been severed with two five acre lots to the East of us on Jane Street and a two-acre lot to the south of us, they would not consider a further application for a period of three years or after the last lot was built in order to ensure that there was adequate water for the area. The lot to the South of us also had to have drainage put in which the seller had put in prior to selling the lot.

In 2008 after the lot to the south of us was Sold and an application was put forward by the current owners to build a 3500 sq ft Bungalow, we started inquiries into potentially severing land in our forest. At a meeting with City officials and among other correspondence from multiple agencies we were informed that our land had a Significant Woodlot designation and therefore we shall not build on it unless it was not deemed significant. This was new to us, so we looked into the criteria to be designated as a significant woodlot. At that time, there were four criteria to be considered significant and the lot must meet all four criteria. It was clear even to us that we did not meet the criteria, so we engaged Aquafor Beech to investigate and provide a report to see if we were indeed a significant woodlot. Meanwhile, building started on the lot to the South of us now known at 6501 McNiven.

Hundreds of trucks of fill were brought in to raise the land to the south of us in order that the owner could have a walk out basement with twenty foot ceilings on both the lower level and the main floor making their height as high as my two story home. They have since put in a large pool with an outdoor theatre room and twenty foot waterfalls all over an existing stream (in part of the forested area) that my kids used to skate on in the winter when they were little. Now all the water sits in the back of the lot between our property and that on Jane Street as they also pulled out the existing drainage.

At the same time that this property was being built, the then owner of 6540 McNiven Rd applied to the city to take down approximately 30-40 trees in order to put in a flower garden for commercial use. He received permission for this and down came the 30+ trees which was deemed part of the significant woodlot on the Official plan map.

Meanwhile, the report came back from Aquafor Beech and as we had anticipated after an extensive study, it was determined that the four acres of woodlot did not meet any of the criteria to be significant let alone all four. The region, city and NEC acknowledged that the lot was now not considered a significant woodland.

We knew there was also concerns about the quantity of water so before we would be able to move forward we would have to invest in additional studies. These studies take extensive time and money therefore we put the development on hold to give us time to save.

In early 2013, we re-engaged this project and a meeting was held with personnel from various departments in the City and the Region with the one exception that Halton conservation was not able to be present. At this meeting, the comments from Halton Conservation were read out first and they stated that our woodlot had been re-designated as significant wetland now. Imagine my surprise to be told this at this meeting – when up until recently it had been designated as significant woodlot – how could it possibly now be a wetland, when in actuality it is one of the highest areas in all of Kilbride, with the only puddling being at the very front where there are no sewer system and the rain falls off the road during a heavy storm? It does not stay wet for long. Needless to say every member around the table provided their thoughts on a possible severance, and all basically said the same thing, that while we would need to do studies etc, they did not see an issue with one lot but obviously it was not possible given the significant wetland designation. The NEC even stated that it had nothing to do with them as we were in the rural development area of Kilbride, and so as long as we complied with building and height restrictions so that it could not be seen from the escarpment, then they did not have any issue. And up until two months ago, we had not had any further information or communication from them and they have not commented on the many reports and studies during the past few years when all documents were provided to them for comment.

Given our surprise at finding out that our very dry forest was now designated as wetland, we requested Halton Conservation show us where and why this designation existed. A member of the Conservation came out and met with us and our expert and they examined the forest. At the end of the extensive study, they determined that indeed there was no wetland within our forest and that the designation should be removed.

From there, we had a meeting with our Councilor who informed us that given the sensitive nature of the Kilbride area, that we would have to provide studies and prove that not only would two potential severed lots be able to sustain their own water supply, but that they would have little to no impact on the wells of our neighbours that surrounded the property. Water was and is the main issue and we certainly did not want to have anyone impacted by potential water being taken from their well supply.

And so we started with an exhaustive amount of studies and tests that included: An Environmental Impact Study, A geology study, a four season tree maturation study and a well test study of 18 wells surrounding the forest. The water from our wells were then pumped for 6 hours straight in order to study the impact on these 18 wells. We also had to tag and map by GPS the coordinates of every single tree (approximately 750 trees) in the forested area despite the fact that we did not plan to take down most of them. In completing our studies, it was determined that a significant amount of the trees in the forest were ash trees (trees that were dead or dying and had the potential to come down and perhaps injure someone. Trees that cities across the province are advising home owners to take down due to disease). This was a large enough area that we could potentially clear in order that a home could be built thus saving many other trees within the area. Further studies were insisted upon by the city included the study of bats and the potential for possible habitat for bats and the bat maturation study that can only take place during the winter months. It is no secret that there are bats in Kilbride and we welcome bats to keep the mosquito population down. We encourage bats and we have bat houses around our property but to deny an application because a bat may potentially inhabit one of the 750 + trees in just our lot alone is ridiculous.

We gathered our two plus years of studies and reports and attempted to send them electronically to the various departments at the City, Region, Conservation and NEC for review and the subsequent peer reviews that would need to be completed. Ironically, we were ordered to provide them with paper (8x) copies at a cost of over \$2300.00 in copying fees and I don't know how many trees were taken down in order to supply that much paper.

Throughout this process, we personally held our own Information night for the residents who would be impacted by our application. We had a significant turnout and while some residents were angry (understandably as they have not and continue not to have safe wells and appropriate water supply) others stated that as long as it did not impact their water supply they would not oppose the build. One neighbor went so far as to say that it would also improve the area and clean up the forest which we do our best to clean up the litter and garbage that others toss into the forest as well as the pet feces that many feel that they do not have to pick up as it is a public forest. It is in fact private property. Another neighbor also stated that they had no issue with the potential for a build as it was their home that I personally envisioned within the trees on our lot.

The city officials upon receiving all of our documentation also held their own information night at Kilbride school. Our Councilor was in attendance along with the City representatives and all of our technical people at significant cost to us, in order to be able to answer any questions and provide

information on the studies conducted and the results of those studies. To all of our surprise – no one turned up from the community. Our Councilor remarked that in all his years as a Councilor he had never had a ZERO turnout. IT turned out that someone at the city had failed to send out the notices to the residents of the area. And so a second meeting was scheduled this time at the Conservation Authority, but it was now into the summer months and therefore we would not be able to go before this committee now until the Fall of 2016– yet another delay. More time and money wasted.

In November of last year, we met with the representatives of the City, and the region as well as the representative from the Ministry of Natural Resources & Forestry in order to determine if we would need to apply for a permit from the Ministry. At this meeting, the Ash trees that we wished to take down as part of our building lot were discussed. We were informed that not only could we not take them down but that when they do fall down they will make a lovely habitat for the animals in the forest. Why is it that everywhere else in the province they are a potential hazard and need to be removed but in our forest we cannot touch them? The Representative from the Ministry stated that she did not want to have to make us apply for a permit and so she would like us to show that we have done our best to mitigate the potential damage to the forest and the potential bat habitat before she would make a decision.

After this meeting, our technical team of experts spent the winter months endeavoring to answer and supply all the technical information that had been asked for by the Region. It was during this time that we decided to amend our application from two two-acre lot severances to just one four acre lot severance. We hoped that by amending our application we would not only appease our neighbours but that we had reduced the impact of a building lot by 50% and we mitigated any possible impact on potential bat habitat by situating the one building envelope to the Ash tree area that was already potentially dying. As directed we revamped our Bat study to increase the depth, to ensure any potential Bat habitat was clearly marked in our development. We had to redesign where the house, and services would go to avoid the potential of intervening with a potential bat habitat. We also proposed to install Bat condos to help offset any negative bat factors.

Over the winter of 2016 while completing this further extensive bat study, which by the way is precedent setting as no one has done one to date in our area and this was new territory that everyone was working in, the City sent out crews to cut down trees that had the potential to cause damage to power lines. We certainly did not want a revisit of the 2013 Ice storm. However, the crews sent to McNiven took down a significant amount of trees on both sides of the road all the way up and down the street. In total 68 significant sized trees were taken down in our forest. Trees that we had paid to have tagged and GPS'd. Trees that may have had the potential for bats and their habitat. Trees that were just dropped vertically into the forest with no consideration for the endangerment of other animals or habitat. On top of this, we were then visited by other residents in Kilbride who had been directed by City officials to come to us to ask our permission to take the trees for firewood. These are the same trees that we were told could not be removed if they fell as they would make a nice habitat for the wildlife.

While completing all of these studies and reports, building has commenced and been completed at 6306 McNiven (a beautiful huge home where once a small little home stood). Adjacent to this a large two car garage and attic storage has been built. A residential lot has been sold for building purposes next to 6455 McNiven (also heavily treed) and two beautiful large Executive Country estates have been built at 6715 & 6731 McNiven Road. I welcome these builds as they provide jobs to many trades and businesses and they improve the esthetics of the community and are within the settlement area. The increased property taxes from these properties help to fund improved infrastructure and services to our community. We have four acres that could be significantly improved with approval of one building lot.

All revised reports and reconfigured development plans to reduce the plan from two severances to one severance were submitted in March 2017. All the different bodies were very up to date on the project. After numerous calls, and request for a response. Each group refused to meet with us individually to discuss their concerns or lack of concerns.

Out of the blue, the first time NEC has responded since our 2013 meeting (when there were no concerns), they present new regulations effective as of July 31, 2017 forward, there is a new prohibition against development in the Kilbride settlement area.

To add fuel to the fire. Shortly after the NEC's new policy was released, all the different bodies suddenly responded and rejected our application based on the new NEC prohibition on development. Why they could not have responded prior is very upsetting and only adds to our feeling of dismay. We requested additional time to address the NEC ruling but the city refused to give us more time and even with multiple requests they still mailed out letters to our neighbours informing them that our application will be rejected tonight, based on the new NEC prohibition. I hope that everyone in the Kilbride area who hopes to add to their property or build new in the future (including the new lot next to 6455 McNiven Rd.) are aware that they will not be allowed to build based on the same regulations that we are being denied under tonight.

Throughout this process we followed proper consultation protocol, tried to be frugal by taking one step at a time, we ensured our building envelope would have minimum impact on the environment, we would have accepted a no a long time ago, but with the mixed messaging the implied approvals based on making it over the next hurdle has wasted a lot of tax payers dollars and caused us extensive loss. We are naturally saddened by the rejection but are far more confused and saddened by the unfairness of this ordeal.