

VIA E-MAIL

January 13, 2020

City of Burlington
426 Brant Street
PO Box 5013
Burlington, Ontario
L7R 3Z6

Denise Baker
Partner
T: 416-947-5090
dbaker@weirfoulds.com

File 16132.00004

Attention: Mayor Meed Ward and Members of Council

Dear Mayor and Members of Council:

RE: 101 Masonry Court, Burlington

We are solicitors for Adi Developments (Masonry) Inc. ("Adi"), owners the property municipally known as at 101 Masonry Court, Burlington (the "**Property**").

Background

The Property is on the north side of Masonry Court and is bound to the west by Waterdown Road, to the north by the Aldershot GO Station and the rail lines, and to the east by property owned by Metrolix, used for GO Station parking.

As you are aware, the eastern portion of the Property has been approved for development and is currently under construction, known as Station West. The western portion of the Property is to be developed as Phase 2 of the Station West project. Applications have not yet been filed with respect to Phase 2, however, we anticipate moving forward with Phase 2 in the near future.

Interim Control By-law Report PB-01-20 and Proposed Official Plan Amendment 119

We have reviewed the Staff Report PL-01-20 Interim Control Bylaw Land Use Study and Proposed Official Plan Amendments and Zoning By-law Amendments, and specifically Draft OPA No. 119. There is concern that OPA 119 has gone beyond what is permitted under the Planning Act in so far as it introduces policies which will impact lands outside the Interim Control

By-law Study Area (“**Study Area**”) as shown on page 2 of the OPA and set out in the schedules to the OPA including the undeveloped portion of the Property.

Specifically, the concern is that within OPA 119 a new policy 7.0 Major Transit Station Areas (“**MTSA**”) is proposed to be added to the City of Burlington Official Plan. This policy would apply to MTSA’s located outside of the Study Area.

Policy 7.1.1 includes the requirement for the preparation of Secondary Plans for all of the MTSA including those outside of the Study Area. While policy 7.1.1 is not necessarily problematic in and of itself other than it affects lands outside the Study Area, what is problematic is policy 7.2 which sets out criteria for development applications that are able to precede the Secondary Plans, which only applies to the MTSA’s within the Study Area as set out on Schedule M to OPA 119. This results in the likely interpretation that all MTSA’s whether within or outside the Study Area are required to have Secondary Plans, but only those MTSA’s shown on Schedule M to OPA 119 would be permitted to proceed in advance of the Secondary Plans. As such, the policy as currently written will adversely affect lands outside the Study Area, including the Property, as the policies of OPA 119 could be interpreted to preclude an application on the undeveloped portion of the Property.

Proposed Resolution

My client’s concerns could be addressed by the revision of policy 7.1.1 a) and 7.1.2 a) to be consistent with 7.1.2 b), such that they read:

7.1.1 a) To conduct secondary plans and/or major planning studies that establish long term development policies for *Major Transit Station Areas* in the Special Planning Area, as shown on Schedule M of this Plan.

7.1.2 a) The City *shall* undertake *secondary plans* or major planning studies to ensure that all *Major Transit Station Areas* within the Special Planning Area, as shown on Schedule M of this Plan are planned to implement mixed use *transit supportive development* including employments uses, while ensuring compatibility with surrounding areas is achieved.

We look forward to hearing from you in connection with this matter and to seeing a resolution of our concerns to ensure that the policies arising from the Interim Control By-law, such as the ones noted above, only affect lands within the Study Area.

Yours truly,

WeirFoulds LLP

A handwritten signature in black ink, appearing to read "DBaker", with a stylized flourish at the end.

Denise Baker

DB/mw

cc Client

Heather MacDonald, Executive Director of Community Planning, Regulation & Mobility, City of Burlington

14170484.1