

My name is Crys Masterson and I am a director of Millcroft Against Development, commonly known as MAD. Our opposition group formed in the wake of this development application and now has 4,000 petitions signed and over 1,000 lawn signs installed throughout Burlington. Our local MPP stated that “no other community issue has aroused so much opposition as this redevelopment proposal.” And it’s for good reason. No other redevelopment proposal has presented such an egregious disrespect for an established community and for sound planning principles. Communities have an Official Plan for a reason. It is created by planning experts, presented to the public for input, and then reviewed and approved by both the City and the Region based on the well-reasoned and well-researched best interests of the community. The City’s most recent Official Plan prevents any application to re-zone Open Space. It is clear that protecting green space is Burlington’s mandate. Why, then, is this development application given any consideration if it has already been deemed by the City and the Region not to be in the community’s best interests? That should be the lens through which this application is examined. Is it consistent with Burlington’s plans for the future and is it desirable for community members? The answer to both these questions is an emphatic no.

Sadly, even if the City rejects this application – and it should – the developer has the right to appeal to the Local Planning Appeal Tribunal, an adjudicative tribunal that hears cases in relation to land use matters at the municipal level. This entity should not exist, or at least not in the capacity that it exists today. So long as municipalities are making land use decisions in their constituents’ best interests, within the provincial framework for growth targets, and in good faith, those decisions should not be subject to review by developers. I intend to start a campaign to dismantle LPAT and give the power back to the municipalities, where it rightfully belongs, and I welcome anyone listening to this call to join me. As a lawyer, I am quite familiar with government structure and divisions of power between federal, provincial, and municipal bodies, and it is abundantly clear that this power belongs with the municipalities, as the municipalities are the ones truly impacted by the decisions.

Speaking again from my perspective as a lawyer, and particularly as a real estate lawyer, I find this development application exceptionally concerning. I see what happens when careless builders with poorly laid out plans are given the power to proceed. A condominium development in Burlington is the subject of an ongoing lawsuit against the builder for faulty construction and against the City for signing off on it because its balconies are falling off. For Millcroft Greens, a developer who submits an application without having presented the logistics of half of it, should I expect any more care?

It is glaringly obvious that floodwater concerns on holes 6 and 7 cannot be adequately mitigated. The golf course was constructed using these areas as collection zones for stormwater. Despite this, the homes bordering these holes are already flood-prone. Building houses on these collection zones would be catastrophic to neighbouring homeowners and could be costly to the City and Region as well. At the end of last year, a one-billion-dollar class-action lawsuit was filed against Oakville, Milton, Halton Region, Conservation Halton, and the Province for increased risk of flooding due to overdevelopment, the risk for which has now shifted to homeowners and insurers. The lawyer for the plaintiffs asserts that the provincial laws are clear that when making planning decisions, municipalities cannot do it in such a way that harms other individuals in the event of a regional storm. How does the City avoid that in this instance? With stormwater management issues on holes 6 and 7 being irreparable, I propose that it would be both negligent and a breach of its fiduciary duty to residents for the planning staff to allow this

application to proceed. And with park hectares per 1,000 residents being 2.2 in Oakville and 0.6 in Burlington, we're already starting from a disadvantaged position where we cannot afford to lose more.

Most of the application's designs and ideas are mind-blowingly terrible. I challenge you to find any freehold detached home in Burlington that has a road directly behind it and directly in front of it. They don't exist. Why? Because no one would deliberately plan a subdivision that way. Millcroft Greens is trying to fit homes in a space where homes don't belong. The lot coverage, the layout – everything about this development makes it look like an afterthought. This is a mature neighbourhood that is substantially complete and they are searching for any place to cram in homes that don't match the existing fabric of the community. We as residents are bound by bylaws that dictate how we can and cannot use our properties. These restrictions exist to ensure that everyone in the neighbourhood is able to enjoy their own properties without disruption from neighbouring lands, whether it relates to noise, to aesthetic, or to safety. We should expect the same restrictions to be placed on developers. In its application, Millcroft Greens is seeking carte blanche to do as it pleases, against sound planning principles, against the City's Official Plan, against the residents' wishes, and against all common sense. I respectfully request that the city planning staff recommend rejection of the developer's application and that City councillors vote in favour of such rejection.