

Official Plan and Zoning By-law Amendment and Plan of Subdivision for 2155 Country Club Drive & 4274 Dundas Street (PL-12-21)

March 18, 2021 - Burlington City Council hears from record number of delegates regarding Millcroft Greens application

Dear Council Members,

I did not appear at the Standing Committee meeting on this matter. I did not realize the import of the agenda, meeting, and the planning staff recommendation report to take more time and to lapse the mandatory time limit of 120 days with a failure to decide, leading to an automatic appeal right at LPAT for the developer.

I am particularly disturbed that the Standing Committee supported this staff recommendation. More disturbing to my knowledge and experience is that I don't think that Council does not know what they are doing in supporting a deliberate "failure to decide" and therefore giving the developer the right to appeal to LPAT, and the consequences, intended or unintended.

Based on my message to the Mayor forwarded below, I wish to provide my concerns and issues as explained below in my reply, but also in extended argument in the form of my Participant Submissions to 2 previous appeals at LPAT that were caused by "failures to decide."

I do not believe that any members of Council have read either of these submissions or even know of their existence. I also don't believe that any members really know what happens in such processes leading to appeals on these grounds.

What I say here is accurate and truthful.

Given that Council has to make a decision on this matter, to agree with and support the staff recommendation to provide more time as they request, such that the mandated timeline of 120 days will elapse and therefore provide the developer with the right to appeal, I must strenuously object to such a decision, and I provide data and evidence supporting the reasons for my objection.

I am sure that you do not know what this decision to "fail to decide", and give the developer the right to appeal, on this application entails and what it will lead to.

You may think at appeal the City still has a say, but as I describe in my written material, there will be no public planning process once the appeal kicks in, and all the residents that showed up at Committee will be disenfranchised and have no further say until an appeal Hearing is scheduled. Resident concerns will be effectively thrown under the bus, as far as I am concerned. I provide details here.

My experience, documented here, supports this view. Based on this experience, and more, I have no trust in "failing to decide" in 120 days and granting an appeal to the developer in this matter.

Thank you,

Tom Muir

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