



November 1, 2025, Report PL-80-24

Mayor, Council, Staff, Fellow Burlington Residents

Millcroft Greenspace Alliance (MGA) is a registered, non-profit corporation dedicated to advocating for responsible development in the Burlington community. MGA has delegated on many development issues with the intent of protecting the interests of all Burlington residents as our city continues to grow. Our concerns regarding the protection of greenspaces linked to matters of flood mitigation and environmental degradation are key areas of concern.

In this delegation regarding the Branthaven Oval Court Subdivision (City File: 510-01/24), we wish to offer our following comments for consideration. These comments are largely focused on the matter of stormwater management (SWM) as they relate to this site.

MGA was a Participant in another recent OLT appeal hearing regarding the upstream (Appleby Creek) Millcroft Greens (City Files: 505-07/20/ 520-07/20/ 510-02/20) development application.

During this hearing, our accredited hydrology expert testified on:

1. the inadequacies of the computer modelling employed in the design of the SWM systems as they relate to the interaction of groundwater and surface water;
2. the adequacy of the contingency allocated in the design to accommodate climate change implications; and,
3. requirements for active management of stormwater retention/ treatment facilities on private property.

While acknowledging that current SWM design standards (both provincial and municipal) for Millcroft Greens were applied by the applicant's design team, in his view these standards do not sufficiently take into account these listed concerns and represent potential failure points in future. The OLT elected not to recognize these concerns of our qualified expert as they were simply beyond the boundaries of the "existing standards". There was in the hearing evidence provided to suggest the current standards require updating. As such, in our view there is residual risk for downstream flood events on Appleby Creek. We understand that the Branthaven Oval Court Subdivision proposal does not give direct consideration to the Millcroft Greens development should it be completed and these potential downstream exposures at Oval Court and beyond in the Appleby Creek watercourse.

Given the current status of the Branthaven Oval Court Subdivision application, we are raising once again our concerns in the expectation that our municipality is fully satisfied with all provisions of the application regarding SWM for this development and that provision for risks noted here have been addressed.

Of note, in the Branthaven Oval Court Subdivision application we have a few observations:

1. The significant extent of below grade parking structure may place a large impediment to groundwater flows passing southeastward to Lake Ontario that did not exist prior. As this water will move somewhere, it can only go around or up which may result in localized problems adjacent to the Oval Court site, unless controlled.
2. This same parking structure represents a large impervious area covering nearly the entire site. While a significant fraction will be covered by the outdoor amenity facilities of presumably landscape material, rainfall exceeding soil saturation is of concern as it cannot relieve to recharge groundwater and will need to be channeled and controlled on site.
3. Provisions appear to be made for on-site SWM tanks as well as pre-treatment of stormwater via jellyfish filters. The issue here is two-fold in terms of tank capacities and ongoing maintenance. Tank capacity speaks to the adequacy question of the provincial and municipal design standards applied in determining tank sizes. In the case of the jellyfish filters, ensuring that regular maintenance is enforced to minimize the potential for failure will be necessary.

These points raise some specific questions regarding the governance measures required to mitigate and control these risks in the long term. These include:

1. Who will own these active SWM components (i.e. jellyfish filters and stormwater retention tanks, in particular)?
2. In the event that the succeeding condominium boards are assigned ownership, how are the maintenance obligations secured through regulation, site-specific zoning/ site plan and/ or surety measures to ensure public funds are not required to rectify damages linked to failure to manage these components?
3. What happens if active component parts (i.e. filter sections) become obsolete over time and unavailable? How do we ensure there is no taxpayer funding for complete system re-construction?
4. In the event that SWM components maintenance obligations are demonstrated to be fulfilled in accordance with manufacturers' requirements, who is accountable for on-site SWM system failures (i.e. surcharging and flooding) and resultant damages due to inadequate accommodation of actual precipitation loads?

Finally, we raise the issue of transition in terms of the planned phasing for implementation of this development. There appears to be a significant amount of time during which this site would transition from its existing condition to a completed development. This time period represents additional exposure to matters of siltation, localized flooding and debris distribution by wind and water. Our expectation is that a robust construction management process will be applied to control these risks and that we look to the City of Burlington to ensure this takes place as an active mitigation measure to protect local residents.

Thank you in advance for your consideration and follow up on these important issues.