

SUBJECT: Millcroft Greens development update
TO: Committee of the Whole
FROM: Development and Growth Management
Community Planning
Report Number: DGM-76-25
Wards Affected: 6
Date to Committee: September 8, 2025
Date to Council: September 16, 2025

Recommendation:

Receive for information development and growth management report DGM-76-25 regarding an update on the Millcroft Greens development and next steps.

Executive Summary

Purpose of report:

- The purpose of this report is to provide a comprehensive update on the Millcroft Greens development.

Key findings:

- The development applications have been fully approved by the Ontario Land Tribunal (OLT);
- The City is obligated to uphold the ruling of the OLT and oversee the implementation of the decision within the bounds of municipal authority. The City's role is regulatory and compliance-focused;
- The applicants are pursuing pre-servicing approvals to allow certain construction activities (ex. tree removal, earthworks, site servicing, etc.) to occur prior to the final registration of the plan of subdivision;
- The City issued a Cease Work Order, which prohibits all work on the site until all requirements of the Pre-Servicing Agreement have been satisfied. Council has requested the Province issue Ministerial Zoning Orders (MZOs) for the lands subject to the development applications, as well as the balance of the golf course lands;

- In response to the request for the MZOs, the Province has directed the Provincial Land and Development Facilitator to meet with the City and Millcroft Greens to discuss options for the lands not already approved for development by the OLT;
- Council has directed staff to attend facilitation led by the Provincial Land and Development Facilitator and report back to Committee and Council to provide updates on the facilitation process and obtain instructions as required.

Implications:

- The City is committed to providing clear, transparent and coordinated communications and updates relating to this development.

Information Report

Background

On December 18, 2020, the Community Planning Department received complete applications from the Millcroft Greens Corporation ('the applicants') for an Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision on the Millcroft Golf Course lands located at 2155 Country Club Drive and 4274 Dundas Street to support the redevelopment of five areas of the lands with 98 detached dwellings and one, 6-storey apartment building containing 130 dwelling units. The subject lands are generally bound by Dundas Street to the north, Appleby Line to the east, Upper Middle Road to the south and Walker's Line to the west, as shown in the mapping attached as Appendix A. Five (5) areas of redevelopment were proposed (Areas A-E) with a total area of approximately 12.4 hectares, as shown in Appendix B.

The applications sought to reconfigure the existing 18-hole golf course in a manner that would create five parcels of developable urban lands (Areas A – E), as follows:

- i. A proposed Official Plan amendment to redesignate Areas A-D from Major Parks and Open Space to Residential – Low Density area, and Area E from Residential – Medium Density to Residential – High Density;
- ii. A proposed Zoning By-law amendment to rezone Areas A-D from an Open Space (O1) Zone to a Low Density Residential (R3-2 Exception) Zone and Area E from an Open Space (O1) Zone to a High Density Residential (RH3 – Exception) Zone; and,
- iii. A proposed Draft Plan of Subdivision to create 98 lots (future parcels of tied land) for detached dwellings, and blocks for a creek / pond, private roads, easements, berms, walkways and open space.

On March 2, 2021, a Statutory Public meeting was held, whereby staff brought forward [Report PL-21-12](#), which sought direction from Committee and Council to continue to work on the applications and bring forward a subsequent recommendation report at a later date. Prior to the statutory public meeting, the applicants revised their applications by reducing the proposed unit count from 98 single detached dwellings to 90 single detached dwellings. Staff required additional time to complete the review of the applications, review the revisions and consult with external agencies and internal departments. Subsequently, on March 23, 2021, City Council directed staff to continue to work on the applications.

On June 29, 2022, the applicants appealed the applications to the Ontario Land Tribunal (OLT) on the basis of non-decision by the City. Starting on March 5, 2024, the OLT held a 17-day hearing regarding the appeals brought by the applicants (Millcroft Greens Corporation).

Parties in the hearing included the appellants (Millcroft Greens Corporation; the City; Millcroft Coalition Against Bad Development (MABD); and the Millcroft Greenspace Alliance (MGA).

On June 12, 2024, the OLT approved the proposed applications for Areas A-E, having found that the proposal represents good land use planning, and is in the public interest. The [decision of the OLT](#) sets out the reasons for the decision based upon the policy and legislative framework, the appeal documentation and the evidence. The OLT decision modified the City's Official Plan in principle, amended the City's Zoning By-law in principle and draft approved the draft plan of subdivision, subject to the fulfillment of conditions set out in the decision. On Friday January 31, 2025, the City provided the Official Plan and Zoning By-law amendments in their final forms to the OLT and the applicant requested issuance of the final order from the OLT, which was provided on February 19, 2025. Subsequently, the applicants requested some minor changes to the draft plan of subdivision conditions and zoning by-law, which were approved by the OLT on March 20, 2025 and May 8, 2025 respectively. As such, the implementing Official Plan amendment and Zoning By-law amendment have been approved and are currently in-force and effect. The Draft Plan of Subdivision has been approved and is subject to conditions of draft plan approval, attached to the March 20, 2025 OLT decision.

The City's is obligated to uphold the ruling of the OLT and oversee the implementation of the decision within the bounds of municipal authority. The City's role is regulatory and compliance-focused.

Pre-Servicing Requests

As set out above, the OLT draft approved the Millcroft Greens Plan of Subdivision application on March 20, 2025 and established the conditions that need to be met in order for the applicants to subsequently register the plan of subdivision, which is the process whereby the individual properties, lots and blocks are formally created. Conditions of draft approval typically include requirements such as road widenings, the naming of streets, parkland requirements, engineering requirements, etc. Typically, a developer is required to enter into a subdivision agreement with the municipality to ensure that certain services such as sidewalks and streets are provided, and any other outstanding conditions are appropriately addressed after the plan has been registered and the lots / blocks are created. As such, the draft approval issued by the OLT for the Millcroft Greens subdivision application amounts to a commitment to go ahead with the subdivision, once all the conditions of draft plan approval have been met.

The draft plan approval issued by the OLT contains conditions relating to works that need to be completed in order to prepare the site for its eventual development, including but not limited to, tree removal, site grading, earthworks, water / wastewater / storm servicing, etc. In certain instances, municipalities may allow developers to begin limited site works – such as grading, tree removal, installation of underground services, or road construction – before a plan of subdivision is formally registered, provided specific conditions are met. In order to proceed with

any site works prior to subdivision registration, developers generally need to complete the following:

- *Obtain Draft Plan Approval* – the subdivision must have received draft plan approval.
- *Submit Detailed Engineering Drawings* – these must be reviewed and approved by the appropriate engineering staff to ensure compliance with applicable standards.
- *Enter into a Pre-Servicing Agreement* – this legal agreement outlines the scope of the permitted works, timelines, responsibilities and liabilities. It's signed between the developer and the municipality.
- *Provide Financial Securities* – developers are typically required to post securities to cover the cost of the proposed works and any potential remediation.
- *Secure Insurance and Indemnification* – adequate liability insurance and indemnification clauses are usually required to protect the municipality.
- *Comply with the Pre-Servicing Agreement* – this may include compliance with tree preservation plans, erosion and sediment control plans and any other applicable conditions.
- *Coordination with External Agencies including Utility Providers* – if the proposed works have implications for external agencies and / or utility providers, coordination and approvals from those agencies or providers may be necessary.

A municipality may choose to allow components of pre-servicing to proceed ahead of subdivision registration as it may accelerate construction timelines, reduce delays caused by seasonal constraints (ex. winter shutdown), allow reviews and approvals to occur in a sequential manner, and allow flexibility in phasing. If a developer proceeds with pre-servicing works prior to final registration, they assume the risk that any changes to the plans may require rework at the developer's expense.

Pre-Servicing Request for Tree Removal

In late 2024 / early 2025, in accordance with the aforementioned process, Millcroft Greens submitted a request to the City to allow for tree removals to occur prior to the registration of the approved draft plan of subdivision. The request was made during the winter months in an effort to facilitate tree removal prior to the 2025 breeding bird season, which if not done, would delay subsequent earthworks until after the 2025 birding season. As noted above, the City is able to facilitate this type of request through a Pre-Servicing Agreement process, whereby the applicants enter into an agreement with the City to allow limited works to occur before a plan of subdivision is formally registered, provided specific conditions are met. In early 2025, City staff worked diligently with the applicants on a pre-servicing agreement which outlined the scope of the permitted works, timelines, responsibilities and liabilities related to the proposed tree removals. The pre-servicing agreement to facilitate tree removals in advance of the subdivision registration was finalized and executed on April 30, 2025.

Cease-Work Order

The pre-servicing agreement to facilitate tree removals in advance of the subdivision registration was finalized and executed on April 30, 2025. The pre-servicing agreement set out that prior to the commencement of the tree removals, there were a number of conditions that needed to be satisfied. The applicants initiated tree removals on May 1, 2025. Pursuant to the terms of the pre-servicing agreement, the Director of Engineering issued a cease work order to the applicants on May 1, 2025. Subsequently, City Forestry staff attended the site to conduct an investigation to determine whether or not the requirements of the City's Private Tree By-law, which governs the destruction and removal of trees that have not otherwise been approved for removal through the plan of subdivision process, had been violated. A public statement was issued on May 2: [City Investigating Tree Removal Activity at Millcroft Redevelopment Site](#).

Separate from the investigation, Millcroft Greens had applied for and received a Municipal Consent permit, to allow crews to cross the city's boulevard with their equipment and trucks to remove the previously cut down tree debris from the site.

At the time of writing this report, the cease-work order was still in place and the investigation remains on-going. City staff do not seek instruction or direction or otherwise comment on by-law enforcement investigations, including potential outcomes, as these actions are independent from Council and the political process.

Until the outstanding conditions in the Pre-Servicing Agreement are met, no other site work—such as grading, creek restoration, or installation of utilities—is authorized to proceed. Once all prerequisites have been satisfied, Millcroft Greens may resume the activities expressly permitted under the Pre-Servicing Agreement, subject to any additional permits or approvals required by law. At that time, residents can expect to see contractors returning to prepare the site fully for the forthcoming construction phases.

Environment and Climate Change Canada Investigation

Environment and Climate Change Canada (ECCC) has concluded its review of the removal of more than 400 trees at the Millcroft Golf Course. Based on information collected by ECCC enforcement officers, it found that there was no reason to suspect non-compliance with the Migratory Birds Convention Act, 1994 or its regulations. No enforcement action has been taken. ECCC stated that no specific surveys or assessments are required prior to removing trees. However, to reduce the risk of contravening the prohibition on the destruction of nests or eggs, surveys may be undertaken before work proceeds.

Next Steps in the Construction Process

Upon the lifting of the Cease Work Order, which is anticipated to occur shortly, the applicants will be seeking to proceed with the next phase of their pre-servicing works. As outlined above, applicants may pursue pre-servicing works in advance of subdivision registration as a way to accelerate construction timelines, allow reviews and approvals to occur in a sequential manner

and allow flexibility in phasing. The City is committed to ongoing monitoring and transparency through the construction process. To that end, based on discussions with the applicants, the City understands the sequencing of construction activities to occur as follows:

- Tree removals within Areas A – E;
- Preparing Areas A – E for construction activities. This work would include:
 - Installation of erosion control measures (silt fencing, mud mats, etc.);
- Earthworks within Areas A – E. This work would consist of the following:
 - altering the grading of the sites by adding and removing fill;
 - grading and restoration of Appleby Creek (including draining the existing pond);
 - construction of the offline irrigation reservoir;
 - alignment of Appleby Creek;
 - removal of the existing weir;
- Construction of Model Homes in Areas A – D;
- Servicing Works for Areas A – E. This work would consist of the following:
 - Installation of sewers, watermains, utilities, etc.;
- Construction of a Noise Wall along Upper Middle Road;
- Street construction including base asphalt, installation of curbs and sidewalks;
- Construction of the remaining dwellings;
- Landscaping;
- Final asphalt paving.

The sequencing and timing of the aforementioned works is unclear at this point and subject to change at the applicant's discretion, subject to their obtaining required approvals from the City and other agencies. The City is committed to provide as much information as possible to residents; however, many factors outside of the City's control influence the timing and sequencing of construction activities. It should be noted that this is not a City-led development, nor is the City in partnership with the developer. The City's involvement is limited to ensuring compliance with approvals, conditions and regulations. To that end, the City has limited ability to influence the sequencing of construction activities or the timing of such.

Detailed questions about construction schedules or activities can be directed to developer at info@millcroftgreens.com or 289-208-7543.

City Advocacy to the Province on Balance of the Golf Course Lands

Following the OLT decisions and order approving the Millcroft Greens development, City Council engaged in advocacy efforts with the Province to explore opportunities to revisit the OLT decisions. In July 2024, the City formally [requested](#) that the Minister of Municipal Affairs and Housing issue a Ministerial Zoning Order (MZO) to maintain existing zoning permissions on the Millcroft Golf Course. In August 2024, the Minister of Municipal Affairs and Housing responded and denied Burlington's MZO request, noting that overriding an OLT decision would conflict with the government's stated goal of building more housing.

On June 17, 2025, Councillor Bentivegna brought forward a motion, seconded by Mayor Meed Ward, to request that the Minister of Municipal Affairs and Housing issue a Minister's Zoning Order (MZO) to restrict the uses permitted on the remainder of the Millcroft Golf Course lands to those currently permitted by the City's Zoning By-law. This motion was approved by Council.

On June 17, 2025, the Minister of Municipal Affairs and Housing [wrote](#) to Mayor Meed Ward to advise that:

- he was not prepared to reconsider the former Minister's denial of the City's MZO request for the golf course lands that were approved for redevelopment by the OLT;
- it was premature for the Minister to consider an MZO request for the remainder of the Millcroft Golf Course lands; and,
- he has asked that the Provincial Land and Development Facilitator to engage the City and Millcroft Greens and strongly encourages the City and Millcroft Greens work with the facilitator to explore how housing and an integrated parks and open space system can be achieved on the remainder of the Millcroft Golf Course lands.

On June 18, 2025, Mayor Meed Ward and Councillor Bentivegna [responded](#) to the Minister of Municipal Affairs and Housing to acknowledge the Minister's response and recommendation to engage with the Provincial Land and Development Facilitator.

In addition to the correspondence from the Minister of Municipal Affairs, Mayor Meed Ward also received [correspondence](#), with copy to others including members of Council, the Premier, the Minister and the MPP, from Argo Development Corp on June 17, 2025 in which Argo expressed its displeasure with the City's MZO request. Further, Argo indicated that it was interested in discussing a sale of up to 70 acres of the remaining golf course land for nominal consideration if an agreeable development scenario on the balance of the lands could be achieved.

On June 18, Mayor Meed Ward and Councillor Bentivenga [wrote](#) to Argo, confirming the Council's support for an MZO on the remaining golf course lands, and advising that City staff will be reporting on this matter to Council to seek instructions on participating in the facilitated discussion.

Provincial Facilitation

At the July 7, 2025 Committee of the Whole meeting, staff presented confidential legal report LLS-41-25. Subsequently, on July 15, 2025, City Council approved the following:

Direct the Commissioner of Development Growth Management, or his designate, to attend the facilitation led by the Provincial Land and Development Facilitator regarding the Millcroft Golf Course and report back to Committee and Council to provide updates on the facilitation process and obtain instructions as required.

As such, the City has engaged in a provincially-led facilitation process with the applicants (Millcroft Greens), at the request of the Minister of Municipal Affairs and Housing. It is a non-

binding process involving solely the City of Burlington, the applicants (Millcroft Greens/Argo), and the provincial facilitator, but does not include public or neighbourhood associations.

The facilitation has been guided by the Office of the Provincial Land and Development Facilitator (PLDF). To date there have been four meetings as well as individual phone calls staff have had with both the PLDF and Millcroft Greens / Argo. The facilitation has explored land-use options for the for the balance of the lands not subject to the aforementioned planning applications approved by the OLT.

Further to Council's direction, City staff have attached as Appendix 'C' to this report a confidential update pursuant to subsections 239(2)(c) and (f) regarding the facilitation process.

Key Dates & Milestones

- December 18, 2020 – Complete applications received for an Official Plan amendment, Zoning By-law amendment, and Draft Plan of Subdivision
 - March 2, 2021 – Statutory Public Meeting
 - March 23, 2021 – Council decision directing staff to continue to process applications
 - June 29, 2022 – Applications appealed to the Ontario Land Tribunal (OLT)
 - March 5, 2024 – OLT hearing commences
 - July 12, 2024 – OLT approves applications
 - March 20, 2025 – OLT issues final order for Areas A – D and approves revised Conditions of Draft Plan of Subdivision
 - April 30, 2025 – Pre-Servicing Agreement for Tree Removals finalized
 - May 1, 2025 – Tree removals commence and Cease Work Order issued
 - May 8, 2025 – OLT issues final order for Area E
 - June 17, 2025 – Council requests MMAH to issue MZO
 - June 17, 2025 – MMAH denies Council's requested MZO
 - July 15, 2025 – Council directs staff to enter into Provincial Land and Development Facilitation Process
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Implications

Not applicable.

References

- [Report PL-21-12](#)
 - www.burlington.ca/millcroftgreens
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Strategic Alignment

- Designing and delivering complete communities

- Providing the best services and experiences
 - Protecting and improving the natural environment and taking action on climate change
 - Driving organizational performance
-

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Appendices:

- A. Location Map
- B. Areas of Redevelopment (A – E)
- C. Confidential Legal Update regarding Facilitation Process

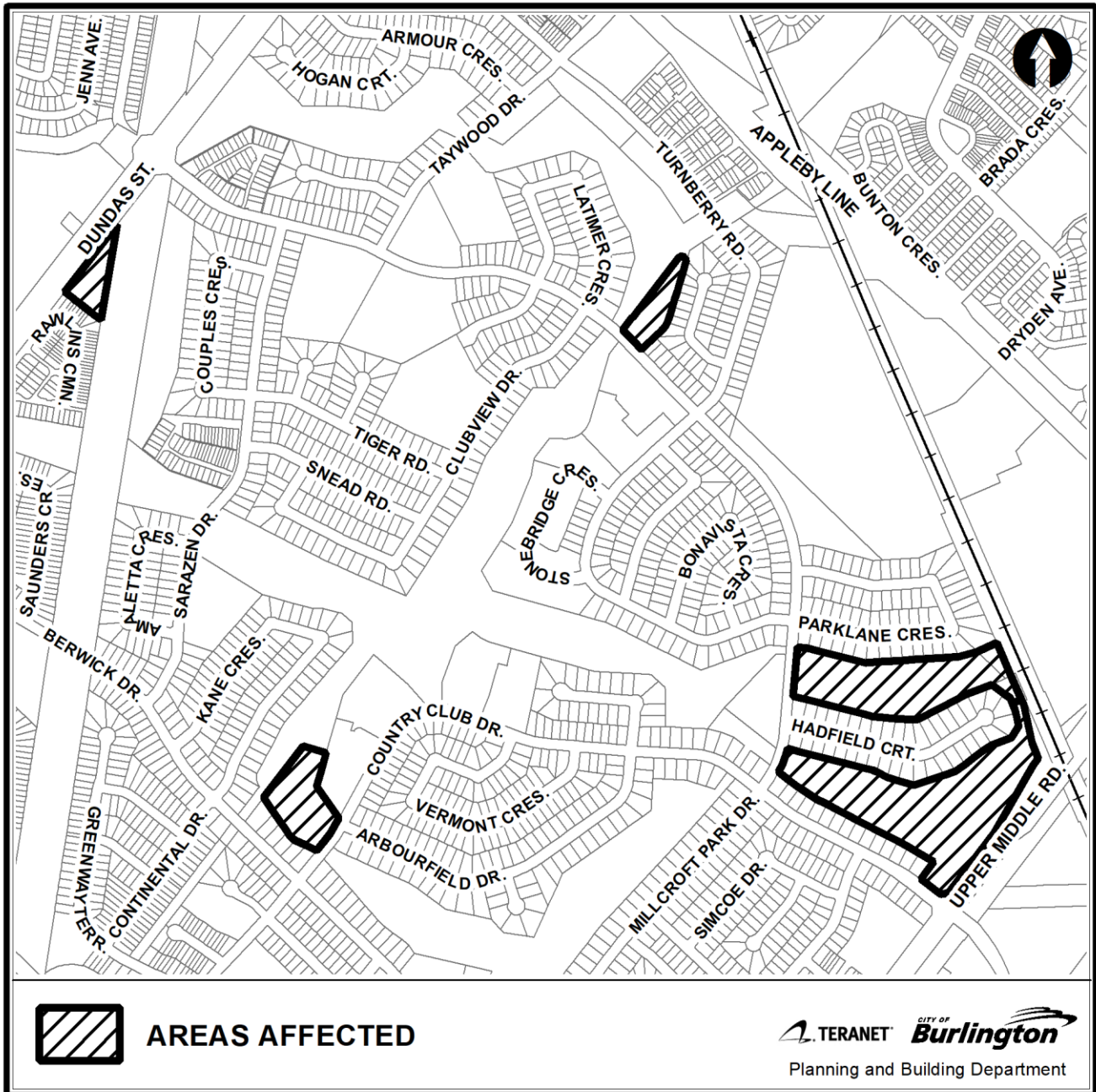
Notifications:

Not applicable.

Report Approval:

All reports are reviewed and approved by the Commissioner, Head of Corporate Affairs, Chief Financial Officer, and Commissioner of Legal and Legislative Services/City Solicitor.

Appendix A: Location of Subject Lands



Appendix B – Areas of Redevelopment (A – E)

