

Toronto

April 18, 2024

Montréal

Chris Barnett
Direct Dial: 416.862.6651
CBarnett@osler.com
Our Matter Number: 1231398

Calgary

Sent By Electronic Mail

Ottawa

Office of the Municipal Clerk /
Legislative Services
Municipality of Clarington
40 Temperance Street, 2nd Floor
Bowmanville, ON L1C 3A6

Vancouver

New York

Dear Mayor and Members of Council:

**RE: April 22, 2024 Council meeting Agenda item 7.1.2
Report CAO-002-24**

We are counsel to the **Southeast Courtice Landowners Group Inc.**, the **South West Courtice Landowners Group Inc.** and the **Courtice TOC Landowners Groups Inc.** (collectively the “Groups”). Together, the Groups own the majority of the lands within the South Courtice area that are projected to deliver 9,172 of the 13,423 units that are included in the Municipality’s Housing Target pledge¹ by 2031.

Our clients have reviewed with concern staff report CAO-002-24 (the “Report”). If Council adopts Recommendation 3 of the Report, the ability of the Groups to deliver much needed housing to meet Clarington’s Housing Target will be significantly impaired.

We understand that the Report was added late to the Agenda and was presented at the April 8, 2024 General Government Committee (GGC) meeting, with little notice, limiting the ability of affected stakeholders to comment. Recommendation 3 suggests that no further development approvals be given prior to a Fiscal Impact Assessment being completed. This would include development application approvals within secondary plans that are approved and in force, and would include applications that are in conformity with, and implement, those in force plans. This recommendation is based on the incorrect premise that Clarington is potentially facing a 50% reduction of parkland as a result of legislative changes initiated by the provincial government in Bill 23.

The requirements for parkland are clearly established by the *Planning Act*, as amended by Bill 23. The maximum rate set by law for residential development is either 5% of the land included in a plan of subdivision or 1 hectare for 600 units proposed. If a municipality has in place a parkland by-law that applies higher dedication rates than are in the *Act*, then the maximum rates in the *Act* apply.

¹ Report PDS-0090-23

Contrary to the claims made in the Report, all members of the Groups and landowners within the Southeast Courtice Secondary Plan area (which is singled out in the staff report) are meeting their parkland requirements by including parkland at the 5% rate, which was unchanged by Bill 23. This includes parkland that is already draft plan approved,² as well as applications for draft plan approval that have been made and staff have confirmed they are satisfied with the parkland proposed.³

The map on page 13 of the staff report shows the park that is the subject of a draft plan application by Tribute (Courtice) Limited as being “removed”, despite the fact that an application has been filed clearly showing the parkland in the approved location. The suggestion that 50% of the parkland will be lost based on the Bill 23 changes does not take into consideration the fact that most greenfield plans of subdivision use the unchanged 5% rate. It is also based on an inaccurate and misleading representation of what is actually being proposed by members of the Groups.

On behalf of the Groups, we urge Council to not pause the consideration or approval of development applications, and not approve Recommendation #3. The approval of that Recommendation will almost certainly lead to appeals being filed to the Ontario Land Tribunal, which will lead to increased costs and delay in the delivery of needed housing.

Yours truly,



Chris Barnett
Partner

CB:s

c: Southeast Courtice Landowners Group
Southwest Courtice Landowners Group
Courtice TOC Landowners Group

² Tribute (King Street) Limited (SC-2021-007) – 1.64 hectare Neighbourhood Park

³ Tribute (Courtice) Limited (SC-2021-006)– 1.13 hectare Neighbourhood Park