



Bennett Jones LLP
3400 One First Canadian Place, P.O. Box 130
Toronto, Ontario, M5X 1A4 Canada
T: 416.863.1200
F: 416.863.1716

Andrew Jeanrie
Partner
Direct Line: 416.777.4814
e-mail: jeanriea@bennettjones.com
Our File No.: 073486.00114

April 18, 2024

VIA EMAIL clerks@clarington.net

Mayor Foster & Members of Council
Municipality of Clarington
40 Temperance Street
Bowmanville, ON
L1C 3A6

Dear Mayor and Members of Council:

**Re: Item 7.1.2 General Government Committee
Proposed response to Bill 23, The More Homes Built Faster Act, 2022**

We are legal counsel to Minto Communities Inc. ("**Minto**") who is a member of the Southeast Courtice Landowners Group (the "**Landowner's Group**"). Our client has an interest in 2149 Courtice Road, Clarington (the "**Property**") which falls within the Southeast Courtice Secondary Plan.

The purpose of this letter is to urge Council **not to accept** Recommendation 3 of Report Number CAO-002-24. Specifically, our client objects to the proposal:

“That Fiscal Impact Assessments be undertaken for all Secondary Plans (inclusive of those completed) to understand the full impact of the legislative changes on each, in particular parkland and DC revenues, and report back to Council prior to any further approvals (inclusive of development application approvals);”

This proposal is contrary to the legislative obligations of the Municipality, as well as public policy and the needs of residents of both Clarington and Ontario. It will lead to delays in the delivery of much needed housing and result in time wasted in appeals to the Ontario Land Tribunal, rather than spent in cooperative dialogue between the parties. In short, it is bad public policy that has been brought to Council on a rushed basis (despite its underlying concerns being almost a year and a half old) in a manner that is, itself, contrary to good governance.

Proposal Will Make the Housing Crisis Worse

Our client is in the process of finalizing its rezoning and draft plan of subdivision approvals for the Property and is facing “an administrative hard stop” if the above motion is adopted by Council and is implemented. We note that this action would be against the spirit of Bill 23, The More Homes Built Faster Act, 2022 and will delay the delivery of approximately 1,100 units to the Municipality. The recommendation would even run counter to what the Municipal CAO highlights in the report:

“Housing affordability has become one of the most pressing and challenging issues impacting communities of all sizes across Ontario.”

“Bill 23 is part of a long-term strategy to help build more homes and make life more affordable for Ontario families.”

By freezing the review of live applications (such as our client’s) it is only going to exacerbate the situation in the Municipality. Yes, Bill 23 will impact the Municipality in how it acquires parkland. However, it does not preclude the Municipality from acquiring land it desires above what the *Planning Act* presently permits.

Our client is united with the rest of the Southeast Courtice Landowners Group in its opposition to Recommendation No. 3 and trust that upon a more thorough consideration of its impact that Council does not move forward with it.

Minto Wants to Work with Clarington to Find Positive Solutions

Our client has already met with the Deputy CAO, Planning and Infrastructure in order to detail the significant impact this “revisit” of the Southeast Courtice Secondary Plan will have.

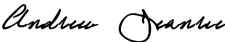
Any delay will put our client in a situation where they will have to make a decision with respect to options to finalize the review of the already in process applications. One of those options is not what our client wants, and we trust the Municipality does not want as well...relying on the Ontario Land Tribunal for direction. We will not speak for others, but they will be making the same choice as well all because of the rash decision to consider a strategy to run counter to public policy and, frankly, need, in the Province.

Our client looks forward to working with staff and Council to finalize the applications that are before the Municipality today. We request that we are to be notified of any updates or meetings dealing with this matter. Should you have any questions or concerns regarding our comments, please do not hesitate to contact the undersigned.

Yours truly,

BENNETT JONES LLP

Per:

DocuSigned by:

C51975944F4A4D7...

Andrew Jeanrie

c.c.: Client

WSLEGAL\073486\00114\37587313v2