



April 18th, 2024

<Sent via email to Clerks@clarington.ca>

Municipality of Clarington
40 Temperance St
Bowmanville, ON, L1C 3A6

Attention: Mayor and Members of Council

RE: Staff Report "The Perfect Storm - Impact of Provincial Changes on our Community"
Report No. CAO-002-24, General Government Committee
Courtice Transit-Oriented Community Landowners Group
Municipality of Clarington (the "Municipality"), Region of Durham (the "Region")

Dear Your Worship and Members of Council,

I am writing in my capacity as the Group Manager on behalf of the **Southeast Courtice Landowners Group** (SE Courtice LOG), the **Courtice TOC Landowners Group** (CTOC LOG), and the **Southwest Courtice Landowners** (SW Courtice LOG)—collectively referred to as the "Groups"—regarding the staff report (the "Report") presented at the General Government Committee meeting on April 8th, 2024. The Groups own majority of the lands within the Southeast Courtice Secondary Plan, the Southwest Courtice Secondary Plan, and Courtice TOC Secondary Plan Area, as illustrated in the attached Landownership Maps (Appendix A).

Accompanying this letter are additional submissions from our Planning Consultant, GHD Limited, and our Planning Lawyer, Osler, Hoskin & Harcourt LLP, included as Appendix B and Appendix C, respectively. These letters have been submitted to Council directly as well.

We wish to express our concern regarding how the report was handled—specifically, its addition to the meeting agenda merely one business day prior to the meeting. This timing did not allow adequate opportunity for the public and stakeholders to fully comprehend the issues and their implications. Notably, recommendation no. 3 suggests halting further development approvals until a Fiscal Impact Assessment is completed—a measure that, in our view, requires more thorough discussion with the development committee and broader engagement with landowners.

The members of the Groups have been significant contributors to the community for decades. For the past eight years, we have collaborated closely with the Municipality on various secondary plans in south Courtice. The SE Courtice LOG was instrumental in the adoption and approval of the Southeast Courtice Secondary Plan in 2020. Similarly, the SW Courtice landowners played a key role in the adoption and approval of the Southwest Courtice Secondary Plan, while the CTOC LOG continues to work diligently on advancing the Courtice TOC Secondary Plan with the Municipality.



Collectively, the SE Courtice and SW Courtice LOGs have invested millions into the community and have recently contributed \$1.13 million towards affordable housing, with an additional \$1.13 million committed over the coming years.

We are concerned that the staff report has unfairly singled out the SE Courtice Landowners Group, mischaracterizing our compliance with parkland requirements. As detailed in the letter from GHD Limited dated April 18th, these allegations are both inaccurate and misleading.

We strongly urge the Council to defer the Report and to remove Recommendation No. 3. It is crucial that the Municipality does not delay approval of development applications that align with the Planning Act and approved secondary plans. We also request continued advancement of active plans, like the Courtice TOC Secondary Plan, ensuring alignment with provincial policies and guidelines.

The Groups are committed to working with the Municipality to ensure that obligations regarding parklands are met to support current and future residents within the various Secondary Plans areas. The Groups are dedicated to providing much-needed housing and are actively collaborating with the Municipality and the Region and are advancing approximately \$15 million worth of infrastructure projects over the next 12-16 months to support development in SE Courtice, SW Courtice, and Courtice TOC.

Thank you for considering our position. We look forward to your support and to a constructive dialogue on these matters.

Yours very truly,

On behalf of:

Southwest Courtice Landowners Group Inc.

Southeast Courtice Landowners Group Inc.

Courtice TOC Landowners Group Inc.

for Mustafa Ghassan, BES, M.Eng-CEM
Delta Urban Inc.

CC. Scott Waterhouse and Bryce Jordan, GHD Limited
Chris Barnett, Osler, Hoskin & Harcourt LLP
Members of the Groups

Enclosed. Appendix A – Ownership Map
Appendix B – GHD Limited Letter(s)
Appendix C - Osler, Hoskin & Harcourt LLP Letter



Appendix A – Ownership Map



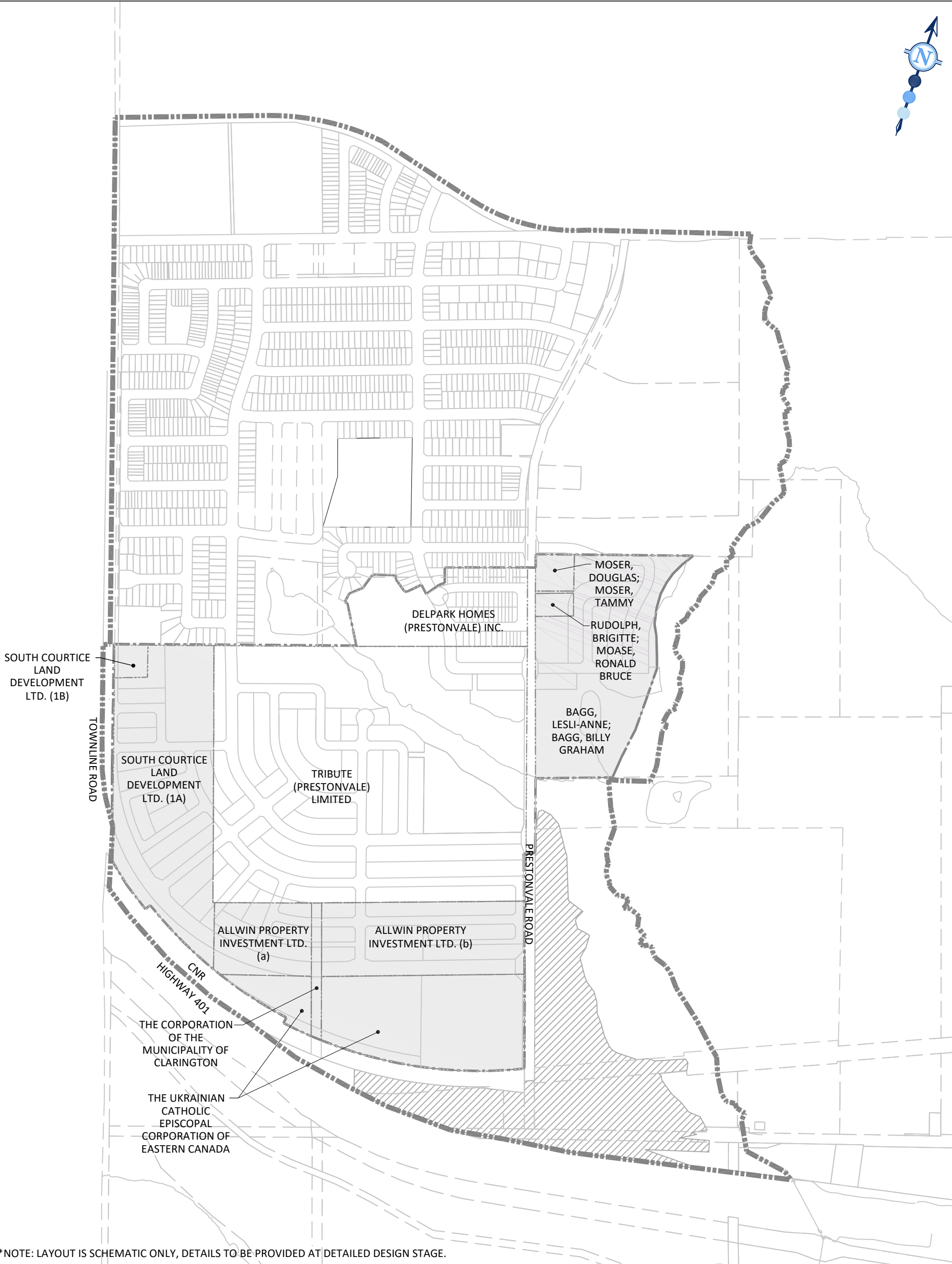
Southeast Courtice Secondary Plan Area - Land ownership Map

#	Ownership Legal Name	Ownership Common Name
1	LIMEROCK DEVELOPMENTS INC.	Tribute Communities
2	THE MUNICIPALITY OF CLARINGTON	
3	THE MUNICIPALITY OF CLARINGTON	
4	RIDGEWORTH DEVELOPMENTS INC.	Tribute Communities
5	ELSTON, BRIAN JOHN; ELSTON, SUZANNE	
6	RILEY PARK DEVELOPMENTS INC.	Tribute Communities
7	PRESTONVALE DEVELOPMENTS INC.;	
8	ROKA, DONNA	
9	ROKA, DONNA; ROKA, KATHRYN ANA;	
10	MICHALSKI, STANISLAWA;	
11	ROKA, WILLIAM FRANK;	
12	ROKA, WILLIAM;	
13	SCHENIMAN, TERRY VINCENT;	
14	BRUNO, PASQUALE; BRUNO, COSTANTINA;	
15	860492 ONTARIO INC.;	
16	1397462 ONTARIO LIMITED;	Mark Foley
17	JAMES, WILLIAM HAIG; JAMES, JUNE SYLVIA;	
18	KINNEY, CLINTON; KINNEY, JOY;	
19	LARMER, JOAN ELIZABETH;	
20	GOUIN, ANDRE PHILIPPE;	
21	HENRY, GARY GILBERT; HENRY, MICHEL LOUISE;	
22	SHEVCHUK, KENNETH MICHAEL; SHEVCHUK,TRACEY ;	
23	CORBIERRE, SUSAN ELIZABETH; CORBIERRE, DANIEL;	
24	CAREW, WARD FRANCES; ANDREWS, GRACE;	
25	1666 CLARINGTON DEVELOPMENT INC.	Queens Corp
26	FOLEY, MARK	Mark Foley
27	5029695 ONTARIO LIMITED	Flea Market (Mark Foley)
28	BEAUCHAMP, PHILLIP ROY; BEAUCHAMP, JENNY FAYE;	
29	2056421 ONTARIO INC.;	Redwood Properties
30	BOURNE, GLENN; BOURNE, KATHLEEN;	
31	2727 COURTICE ROAD INC.;	
32	THE REGIONAL MUNICIPALITY OF DURHAM;	
33	MUIR, LYNDSY ANN;	
34	MUIR, JAMES ARCHIBALD; MUIR, ALEXANDER LOANE;	
35	2433 COURTICE ROAD	
36	THE CORPORATION OF THE MUNICIPALITY OF CLARINGTON;	
37	MOGHARNASI, AHMAD;	
38	CANFIELD, ALLAN A.; CANFIELD, LOUISE;	
39	PAMMENT, KENNETH A.	
40	HAWKE, ROSS WALTER;	
41	BAILLARGEON, LAWRENCE; BAILLARGEON, MARIETTE;	
42	SNIDER, CHRISTINA DIANE;	
43	REID, EVELYN A.; REID, WILLIAM C.;	
44	MINTO COMMUNITIES INC.	Minto Communities
45	PICKELL, JEFFREY AARON; PICKELL, JULIE DAWN;	
46	STAAL, BRYAN; DEVEAU, WENDY;	
47	PETERBOROUGH VICTORIA NORTHUMBERLAND AND CLARINGTON CATHOLIC DISTRICT SCHOOL BOARD	
48	RILEY PARK DEVELOPMENTS INC.	Tribute Communities
49	ZHOU, WENKAI; PENG, YIMIN	
50	MASTRANGELO, ELAINE; MASTRANGELO, GIACOMO	
51	THE EASTERN ONTARIO DISTRICT OF THE PENTECOSTAL ASSEMBLIES OF CANADA;	
52	ORMISTON, BRIAN EDWIN; ORMISTON, ELIZABETH MAE;	
53	COYLE, SHIRLEY MARIE; PICKELL, DONALD RAE; PICKELL, DOUGLAS GEORGE	Brookfield Properties
54	KAUR, BRINDER PAL; KAUR, ANMOL;	
55	HOPE FELLOWSHIP CHRISTIAN REFORMED CHURCH	
56	5029695 ONTARIO LIMITED;	Flea Market (Mark Foley)
57	HOPE FELLOWSHIP CHRISTIAN REFORMED CHURCH;	
58	HOPE FELLOWSHIP CHRISTIAN REFORMED CHURCH;	
59	CEDARDALE REALTY HOLDINGS INC.	Norstar
60	WATSON, GREGORY PHILIP;	
61	JOWITT, DAVID DONALD; JOWITT, INES;	
62	TRIBUTE (KING STREET) LIMITED	Tribute Communities
63	TRIBUTE (KING STREET) LIMITED	Tribute Communities



DELTA URBAN


Date:
May 4, 2022



*NOTE: LAYOUT IS SCHEMATIC ONLY, DETAILS TO BE PROVIDED AT DETAILED DESIGN STAGE.

LEGEND:

- | | | | |
|--|-------------------------|--|--------------------|
| | COMMUNITY BOUNDARY | | NON-PARTICIPANT |
| | OWNERSHIP BOUNDARY | | SPECIAL STUDY AREA |
| | SECONDARY PLAN BOUNDARY | | |

 <div>30 CENTURIAN DRIVE, SUITE 100 MARKHAM, ONTARIO L3R 8B8 TEL: (905) 475-1900 FAX: (905) 475-8335</div>	SOUTHWEST COURTICE LANDOWNERS GROUP		OWNERSHIP FIGURE	
	DESIGNED BY: C.A.M.	CHECKED BY: J.L.B.	PROJECT No:	FIGURE No:
	SCALE: 1:7500	DATE: MAY 2022	2280	SCHEDULE A



COURTICE TRANSIT ORIENTED
COMMUNITY
Ownership Map

#	Ownership Legal Name	Area (ha)	~inclusive (ha)
1	BAGG, LESLI-ANNE; BAGG, BILLY GRAHAM	16.04	5.59
2	FRACZ, IZABELLE	4.05	2.80
3	CARUSO, ROSA; CARUSO, PHILIP	27.33	27.33
4	BAGG, LESLI-ANNE; BAGG, BILLY GRAHAM	9.10	9.10
5	TRIBUTE (KING STREET) LIMITED	46.93	20.81
6	BELLCORP HOLDINGS LIMITED	17.43	17.43
7	TRIBUTE (KING STREET) LIMITED	19.11	15.95
8	YOUR HOME DEVELOPMENTS	23.81	23.81
9	TRIBUTE (KING STREET) LIMITED	26.70	26.696
10	AFANA, ABRAHAM	5.35	5.35
11	CHATTERTON, CHRISTY ANGELA; CHATTERTON, KEVIN RICHARD	2.43	2.43
12	BROOKFIELD PROPERTIES	46.32	TBD
13	METROLINX	12.14	
14	CATION, SHARON; CATION, DAVID HUNTER	1.89	1.89
15	2610144 ONTARIO LIMITED	11.08	11.08
16	APEX ENGINEERING CONSTRUCTORS INC.	4.56	4.56
17	MILLER PAVING LIMITED	31.15	6.76
18	HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF ONTARIO, REPRESENTED BY THE MINISTER OF TRANSPORTATION FOR THE PROVINCE OF ONT	40.09	
19	HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF ONTARIO, REPRESENTED BY THE MINISTER OF TRANSPORTATION FOR THE PROVINCE OF ONT	3.76	
20	WASTE MANAGEMENT OF CANADA CORPORATION	4.19	4.19
21	HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF ONTARIO, REPRESENTED BY THE MINISTER OF TRANSPORTATION FOR THE PROVINCE OF ON	2.50	
22	HARDING, BARRY RICHARD; HARDING, CINDY LOU; HARDING, LARRY ROBERT	2.44	2.44
23	WILLIAMSON, LINDA	7.18	7.18
24	410319 ONTARIO INC.	3.86	3.86
25	SCHMID, JOSEPH; SCHMID, JAYNE LEE	2.75	2.75
26	2519759 ONTARIO INC.	3.76	3.76
27	5034279 ONTARIO INC.	1.21	1.21
28	VETERE HOLDINGS LIMITED	2.63	2.63
29	BELLCORP HOLDINGS LIMITED	2.98	2.98
30	STORAGE DEPOT INC.	3.50	3.50
31	ALPA PRE-ENGINEERED PANEL SYSTEMS INC.	2.72	2.72
32	LOVISEK, SANDRA MARIE; LOVISEK, DAVID JOHN;	35.46	TBD
TOTAL		424.42	218.79

Legend

Secondary Plan Area Boundary



Courtice GO Station



Participating Landowners



Urban Boundary Expansion



DELTA URBAN

Description: Ownership Map
Courtice Transit Oriented
Community
Municipality: Clarington
Region: Durham

Source:
Geowarehouse/ Maps

Date: November 11, 2018

Updated:
June 8, 2023

Scale:
N.T.S



Appendix B – GHD Limited Letter(s)

Our ref: 11148794

April 18, 2024

Municipality of Clarington
Office of the Municipal Clerk
Attn. Members of Council

April 8, 2024 General Government Committee - CAO Report 002-24
Southeast Courtice Landowners Group

Dear Mayor Foster and Members of Council

We are the planning consultants for the Southeast Courtice Landowners Group (SECLOG), a landowners group who collectively own the majority of the land located within the **Southeast Courtice Secondary Plan** (The SECSP).

On behalf of the SECLOG we are writing in response to CAO Report 002-24 which was recently presented at the April 8, 2024 Clarington General Government Committee meeting. More specifically, we are writing to address and correct some of the park dedication information provided in the report pertaining to the SECSP.

CAO Report 002-24, specifically page 11 under the heading 'Southeast Courtice Secondary Plan – a Visual of Potential Loss', indicates that some developers within the Secondary Plan are demanding that their park allocations be reduced, implying that reduced park sizes are being proposed through development applications and hence providing less park area than required in the Secondary Plan. Section 4.13 of the CAO report continues that *"Figure 5 shows the potential loss of parkland within the SECSP area based on the new parkland rates under the Planning Act. Without intervention, the Municipality has the potential to lose a minimum of 8.5 hectares of parkland within the SECSP area, ultimately eliminating all five parkettes and 3 neighbourhood parks."*

This statement implies that landowners within the SECSP have suggested to staff that park sizes in their respective draft plan of subdivisions are or will be reduced. This is inaccurate and misleading.

For context, the policies of the SECSP provides a Neighbourhood Park size range between 1.5 hectares and 3.0 hectares. The policies of the Secondary Plan also clarify that the exact size of parks are to be determined at the time of development application review. We can confirm that each of the participating Landowner Group members with active development review applications with Clarington (either in pre-consultation review stage or draft plan approved) are providing neighbourhood park sizes consistent with the noted policies of the Secondary Plan. These applications and park sizes are summarized below:

- Tribute (Courtice) Limited (SC-2021-006)– 1.13 hectare Neighbourhood Park (Note that this park size has been formally reviewed and accepted by Clarington Planning staff)
- Tribute (King Street) Limited (SC-2021-007) – 1.64 hectare Neighbourhood Park (draft approved)
- Brookfield Residential (Ontario) Limited – 1.4 hectare Neighbourhood Park
- Minto Communities Inc. (SC-2022-0012) – 1.5 hectare Neighbourhood Park
- Redwood Properties – 1.89 hectare Neighbourhood Park

In summary, as applicable to active SECSP development applications, the policies of the SECSP require a minimum of 7.5 hectares of neighbourhood park area and these applications collectively are providing 7.56 hectares of neighbourhood park. Based on this information, the statements in the staff report that the landowners are seeking reduced park areas less than the policies of the SECSP is inaccurate.

Further, the CAO report does not delineate between participating and non-participating landowners in the SECSP area and does not illustrate the significant land area that has no active development application with the Municipality. Figure 5 of the staff report identifies 'removed parkland (eligible for development)' on lands in the north-east quadrant of the SECSP area that are not part of the SECLOG and do not have active development applications with the Municipality. Figure 5 also includes the existing Courtice Memorial Park, which is owned by the Municipality as a 'removed parkland'. Figure 5 is inaccurate and does not accurately reflect the parklands that are being provided, the existing municipal park and the future parks.

To better explain this information, the attached park review chart illustrates the anticipated area of each park in the SECSP, the area of each park in active development applications and the anticipated future park areas for non-participating lands. This chart confirms that the overall park areas exceed the minimum park areas required in the SEC Secondary Plan.

In conclusion, the participating landowners with active applications with Clarington are providing the park sizes consistent with the policies of the SECSP.

Regards,

A handwritten signature in dark ink, appearing to read 'Scott Waterhouse', written in a cursive style.

Scott Waterhouse, RPP
Planning Manager

+1 905 429-4999
scott.waterhouse@ghd.com

Copy to: SECLOG C/O Delta Urban

Park ID	Park Type	Minimum park size per SE Courtyce Secondary Plan (Ha.)	Parkland provided based on active development application (Ha.)	Parkland anticipated to be provided in the future (Ha.)	Total Park Areas (Ha.)
# 1 (Tribute Courtyce)	NP	1.5	1.13		
# 2 (Tribute King Street)	NP	1.5	1.64		
# 3 (Brookfield)	NP	1.5	1.4		
# 4 (Minto Communities)	NP	1.5	1.5		
# 5 (Redwood Properties)	NP	1.5	1.89		
# 6	P	0.5		0.5	
# 7	P	0.5		0.5	
# 8	P	0.5		0.5	
# 9 (Existing Courtyce Memorial Park, includes expansion)	NP	2.14		2.14	
# 10	P	0.5		0.5	
# 11	NP	1.5		1.5	
# 12	P	0.5		0.5	
# 13	NP	1.5		1.5	
Total		15.14	7.56	7.64	15.20

Breakdown:	Min. size per Secondary Plan	Active Development Applications	To be provided in the future	Total Park Areas
Neighborhood Parks (Active Dev. Applications)	7.50	7.56	0.00	7.56
Neighborhood Parks (Future Dev. Applications)	3.00	0	3.00	3
Existing CM Park (incl. future expansion)	2.14	0	2.14	2.14
Total neighborhood Park	12.64	7.56	5.14	12.7
Total Parkettes	2.50	0.00	2.50	2.50



Our ref: 11185543

18 April 2024

**Municipality of Clarington
Office of the Municipal Clerk
Attention: Members of Council**

**April 8, 2024 General Government Committee – CAO Report 002-24
Southwest Courtice Landowners Group**

Dear Mayor Foster and Members of Council:

We are the planning consultants for the Southwest Courtice Landowners Group (the Landowners Group), a landowners group who collectively own the majority of the land located within the Southwest Courtice Secondary Plan (the Secondary Plan).

On behalf of the Landowners Group, we are writing in response to CAO Report 002-24 which was recently presented at the April 8, 2024 Clarington General Government Committee Meeting. More specifically, we are writing to address the park dedication status of the Secondary Plan Area.

The Staff Report gives the impression that all Secondary Plan areas will be deficient in parkland dedication due to the reduction of alternative parkland requirement in Bill 23 from 1 hectare per 300 units to 1 hectare per 600 units. Firstly, we note that the alternative requirement only applies to development blocks with greater than low density development. The majority of parkland dedication within the Southwest Courtice Secondary Plan, will continue to be based on 5% of the land area. Secondly, it is not appropriate to apply the Planning Act parkland dedication requirements to individual parcels in an area which has a cost sharing agreement. The only way to provide for larger parks beyond an individual developer's obligation is through a Cost Sharing Agreement between the developers and a Master Parks Agreement between the Landowners Group and the Municipality.

We have calculated the difference in parkland dedication from development in the Southwest Courtice Secondary Plan Area under the Clarington Parkland Dedication By-law both before and after Bill 23. We found that Bill 23 has had the effect of reducing the required parkland dedication by 14% not the 50% purported in CAO Report 002-24.

In our opinion recommendation 3 of the subject report, particularly delaying development approvals, should not be adopted as it is based on erroneous information.

Regards


Bryce Jordan, RPP
Planning Lead

+1 905 429 4966
bryce.jordan@ghd.com



Appendix C – Osler, Hoskin & Harcourt LLP Letter

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