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File No. 702782

November 17, 2015

By Email and Courier

Mayor Geoffrey Dawe and Members of Town Council
Town of Aurora
100 John West Way, Box 1000
Aurora, Ontario
L4G 6J1

Attention: Stephen M. A. Huycke, Town Clerk

Dear Mr. Huycke:

**Re: Applications by Highland Gate Developments Inc.
21 Golf Links Drive, Aurora
Town File Nos. SUB-2015-01, OPA-2015-01, ZBA-2015-02**

We are co-counsel to Highland Gate Developments Inc. ("HGDI"), the owner of the former Highland Gate Golf Club lands (the "Lands") for which Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision applications (collectively, the "Applications") were filed with the Town on February 27, 2015.

We are writing further to our letter dated October 13, 2015, in which we advised Council of the potential implications of any decision that it may choose to make in respect of the Applications, including a failure to make a decision.

More specifically, we advised Council that the agreements between HGDI and numerous landowners regarding various boundary matters were expressly conditional upon Town Council approving the Applications. These agreements were the result of extensive discussions between HGDI and several individual residents. HGDI has also met with the Highland Gate Rate Payers Association on numerous occasions throughout the process.

Similarly, in our October 13, 2015 letter, we confirmed that the offer made by HGDI in Ms. Shindruk's letter dated February 27, 2015 regarding the proposed parks, trails and open space system, including the timing of the construction of the system and a voluntary financial contribution, were dependent upon the Town's approval of the Applications.



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As of last month, the Town's Planning and Development Services staff had received comments from other Town departments and all peer review consultants retained by the Town, and staff had also received comments and proposed draft plan conditions from both the Region of York and the Lake Simcoe Region Conservation Authority. In each case, no significant issues were identified with the extensive materials filed by HGDI in support of the Applications and in no case did any of the comments indicate any objection to the Town's approval of the Applications.

As a result, in his report for the third public planning meeting on October 28, 2015, the Town's Director of Planning and Development Services recommended that the "comments presented at the [three public planning meetings], including all written comments received, be addressed by Planning and Development Services in a comprehensive report outlining recommendations and options at a future General Committee Meeting".

Regrettably, despite the recommendation from the Town's Director of Planning and Development Services, Town Council chose not to adopt, or even discuss, the staff recommendation at the public planning meeting on October 28, 2015.

Instead, Council adopted a resolution directing that Town staff report back to a further public planning meeting to address any issues raised at the previous public planning meetings, and with no requirement for staff to provide its recommendations on the Applications. No specific date was identified by Council for this further public planning meeting and, to date, no further public meeting has been scheduled.

HGDI had a right to appeal the Applications to the Ontario Municipal Board ("OMB") as of August 2015, based on the timeframes set out in the *Planning Act*. Nonetheless, HGDI did not exercise this right at that time, allowing the Town to complete the three public planning meetings that had been scheduled and given HGDI's expectation that Council would make a decision on the Applications at the completion of those public meetings or very shortly thereafter.

Unfortunately, that did not happen. Thus, given Council's failure to make a decision on the Applications in a timely manner, and its failure to even identify a date by which a decision will be made, HGDI has now exercised its right to appeal the Applications to the OMB.



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As a result, we are writing to advise that HGDI is now in the process of notifying residents who are parties to existing agreements, as well as residents to whom a proposed agreement was provided, that these agreements are now null and void. In addition, we are confirming that the offer regarding the parks, trails and open space system set out in Ms. Shindruk's letter dated February 27, 2015 is now rescinded.

Yours truly,

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Patrick Moyle, Chief Administrative Officer, Town of Aurora
Marco Ramunno, Director of Planning and Development Services, Town of Aurora
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Highland Gate Developments Inc.