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ONTARIO, CANADA

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MAYOR DAN CARTER

April 13, 2022

Honourable Steve Clark
Minister of Municipal Affairs and Housing
Legislative Building
Queen's Park
Toronto, ON M7A 1A1

Honourable Greg Rickford
Minister of Northern Development, Mines, Natural Resources and Forestry
Legislative Building
Queen's Park
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**Re: City of Oshawa's Request to Give More Weight to Municipal Council
Positions in the Planning Approvals Process and Ontario Land
Tribunal Appeals**

In 2016 SO Developments Inc. (the "Developer") submitted rezoning and draft plan of subdivision applications (Files: Z-2016-15 and S-O-2016-11, respectively) to the City of Oshawa to permit a residential subdivision featuring a number of single detached and semi-detached dwelling lots on the west side of Park Road South, south of Renaissance Drive and adjacent to the Lake Ontario Waterfront and the City's Waterfront Trail. In 2018 the Developer appealed the applications to the then Local Planning Appeal Tribunal (now known as the Ontario Land Tribunal – "O.L.T."), with the appeal case number being PL180364.

The City has consistently opposed these applications primarily on the basis of protecting the majority of this property as an environmental protection area for wildlife, specifically the monarch butterfly migratory habitat located on the lands,

and for future generations given the property's location adjacent to the waterfront. The Lake Ontario waterfront is an important asset in the City and the City has been an advocate for protecting lands along the waterfront for environmental protection purposes (including habitat for the monarch, which is a Species at Risk), and for ensuring a more publicly accessible waterfront. The City's protection of lands for public purposes along the waterfront include such examples as the Second Marsh which is a Provincially Significant Wetland, the Gold Point Wildlife Reserve and the Ed Broadbent Waterfront Park.

The City retained environmental experts to provide evidence at the O.L.T. hearing on the Developer's applications in order to protect the monarch butterfly migratory habitat, which is identified by the Ministry of Northern Development, Mines, Natural Resources and Forestry's guidelines as a Significant Wildlife Habitat. The O.L.T. did not accept the City's evidence and vision for this property and made a decision to effectively allow the entirety of the property to be developed, which demonstrates, in Council's opinion, that the private developer interests outweigh the considerations of the public interest.

This O.L.T. decision is disappointing as the City believes the O.L.T. should have given more weight and consideration to the City's evidence and position which represented the community's voice for the waterfront on behalf of all the City's residents.

On March 28, 2022, pursuant to Notice of Motion DS-22-57, Oshawa City Council passed the following motion:

- “1. That Mayor Carter on behalf of City Council send a letter to the Minister of Municipal Affairs and Housing and the Minister of Northern Development, Mines, Natural Resources and Forestry advising of the City's disappointment with respect to the Ontario Land Tribunal's decision concerning the proposed subdivision on the west side of Park Road South, south of Renaissance Drive and adjacent to Lake Ontario and the City's Waterfront Trail, and requesting changes to the planning approval process to give considerably more weight to local municipal council positions in the public interest since council is more aware of the needs and vision of the local community; and,

2. That the Council of the City of Oshawa request the Minister of Municipal Affairs and Housing and the Minister Northern Development, Mines, Natural Resources and Forestry to use all powers within their jurisdictions, including MZO's, to prevent the conversion of this irreplaceable waterfront greenspace to housing and any other use not in keeping with principle of sustainable waterfront corridors and greenspace areas; and,

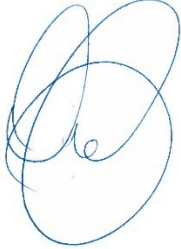
3. That a copy of this resolution be sent to the Region of Durham, all local municipalities in the Region of Durham, all Durham MPPs, the Association of Municipalities of Ontario and the Ontario Big City Mayors.”

Pursuant to Part 1 of the above noted motion, I am requesting on behalf of Oshawa City Council that changes to the planning approval process in Ontario be made to give more weight to local municipal council positions in the public interest. Municipal councils are more aware of the needs and vision of the local community than the O.L.T. or private development interests. If certain recommendations of the Ontario Task Force on Housing Affordability are implemented by the Government of Ontario, then local positions and voices of municipalities and their residents will be further marginalized since private interests concerning housing developments would appear to take precedence over other higher order public interests such as environmental protection along the Lake Ontario waterfront.

Pursuant to Part 2 of the above noted motion, I am requesting on behalf of Oshawa City Council that the Minister of Municipal Affairs and Housing and the Minister of Northern Development, Mines, Natural Resources and Forestry use all of their powers to prevent the irresponsible development of the lands in the City of Oshawa adjacent to the Lake Ontario Waterfront that are west of Park Road South and south of Renaissance Drive. This could include the use of a Minister's Zoning Order (M.Z.O.). The Lake Ontario Waterfront and the greenspace along it is irreplaceable and should not be developed for residential purposes or other uses that are not in keeping with the principles of sustainable waterfront corridors and greenspace areas.

If you have any questions or require further information or clarification, please contact me at the address shown, by telephone at (905) 436-5611 or by email at dcarter@oshawa.ca.

Yours Truly,



Dan Carter
Mayor, City of Oshawa

- c. Hon. Peter Bethlenfalvy, MPP for Pickering-Uxbridge
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Municipality of Clarington
Town of Whitby
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