

**Anthony Usher Planning Consultant**  
146 Laird Drive, Suite 105, Toronto, Ontario M4G 3V7

(416) 425-5964  
auplan@bellnet.ca

June 8, 2017

Board of Directors  
c/o Mr. Mike Walters, Chief Administrative Officer  
Lake Simcoe Region Conservation Authority  
Box 282  
Newmarket, Ontario  
L3Y 4X1

Dear Directors:

**Re: Maple Lake Estates - Section 28 Application**

I understand from the May 5, 2017 letter of Chair Geoffrey Dawe and Mr. Walters to Premier Wynne, that Maple Lake Estates Inc. (MLE) has "activated" the application it submitted on May 20, 2015. I assume this means that MLE has asked staff to proceed with their usual review and consideration.

As a result, on behalf of my client the North Gwillimbury Forest Alliance (NGFA), I emailed staff on May 10 to ask several questions about the review and decision-making process. As of today, I have not received any reply. Therefore, I am asking the Board to respond or direct staff to do so.

I am also enclosing my letter of May 5, 2015 to the Board. This letter addressed some of the points pertinent to my recent email. It also asked the Board to commit itself to a public process, as described in the letter, for this particular high profile application that would be open and inclusive without offending the applicant's rights.

The questions in my email are in *italics*, with some explanatory comments in roman.

- 1. The application was submitted in May 2015. When [you] met with Jack Gibbons and me on June 9/15, we were advised that as of that date, the application was incomplete. Is the application now complete? If yes, what has the applicant provided to make it complete - and since we have only the original application materials disclosed to NGFA in August 2015, could you kindly provide the additional materials? If the application is not complete, what is still missing?*

The meeting referred to consisted of Chair Dawe, Member Margaret Quirk, Mr. Walters, Rob Baldwin, Jack Gibbons of NGFA, and me.

The Authority position at that meeting was that all application materials should remain confidential till the time of decision. This position was reinforced in a July 13, 2015 letter from Mr. Walters to the Town of Georgina. NGFA's counsel Leo Longo rebutted this position in his July 30, 2015 letter to the Board. Perhaps as a result of that letter, the Authority then decided to release the original

application materials, which NGFA and I appreciated, and there is no reason that that decision shouldn't also extend to any further materials submitted by the applicant.

2. *Is this a "major" application as defined in your Guidelines?*

As described in point 2 of my May 5, 2015 letter, this would appear to be a major application.

3. *What is your timetable for staff review? When will staff's report be available to the public?*

Presumably, the decision to disclose application materials should extend to the staff report, at such time as it is made available to the applicant and the Board.

4. *What is your timetable for a decision? Can you advise whether this will be decided upon by staff or by the Board?*

Point 3 of my May 5, 2015 letter set out the Authority's criteria for an application to be decided by the Board instead of staff. I suggested that on the basis of the criteria, a Board hearing would be "highly likely", but that public uncertainty could be reduced by an advance commitment that the Board would decide on this particular application in any case.

5. *If the matter is decided upon by the Board, what advance notice will be provided that the Board will be considering it?*

As described in points 4 and 5 of my May 5, 2015 letter, there would not seem to be any obstacle to notice being provided.

6. *Is it still the CA's position, as advanced at our June 9/15 meeting, that there will be no public submissions?*

As described in points 4 and 5 of my May 5, 2015 letter, there would not seem to be any obstacle to submissions being allowed. As noted in that letter, this was also the finding of the Environmental Commissioner of Ontario.

I look forward to LSRCA's answers to these questions.

I would also urge the Authority to commit itself to the open and inclusive process described in my May 5, 2015 letter. The Authority has not committed itself to any of the process elements listed in that letter, except for disclosure of the initial application materials. Yet the points in my letter remain as relevant now as they were two years ago - a good deal more relevant, given that when I wrote MLE had not yet submitted its application, while now the application is actually moving forward.

On June 18, 2015, Mr. Baldwin wrote me that "the LSRCA will not be instituting a public review process for the Section 28 permit application for Maple Lake Estates". This and other correspondence from LSRCA at that time, make clear that key to the Authority's position on public review was the Board's conclusion that this matter would be best resolved by transferring MLE's development approvals to the MLE lands on the south side of Deer Park Drive. That possibility has

now been extinguished by the new Greenbelt Plan released last month - which makes my request for reconsideration even more timely.

Yours sincerely,

*[original signed by]*

Anthony Usher, MCIP, RPP

cc. Rob Baldwin