

August 31, 2021

Delivered by Email

City of Guelph
1 Carden Street
Guelph, ON N1H 3A1
ATTN: Stacey Laughlin, Senior Policy Planner

Dear Ms. Laughlin:

**Re: Draft Clair-Maltby Secondary Plan and Comprehensive EIS Phase 3;
Thomasfield Homes Limited – 99 Maltby Road, Guelph
Our file: 53481-021**

SmithValeriotte Law Firm LLP (“SV Law”) acts for Thomasfield Homes Limited (“Thomasfield”) with respect to its property at 99 Maltby Road. As you may recall, our firm acted for Thomasfield in relation to its global and site-specific appeal of Official Plan Amendment No. 42 (“OPA 42”) as it related to this property, and we have therefore been closely following the Clair-Maltby Secondary Planning process since 2014.

The OPA 42 settlement for 99 Maltby Road was the result of 4 years of negotiation and comprehensive fieldwork to delineate the natural heritage features of the property, with the resulting revised Natural Heritage System receiving approval by the Ontario Municipal Board in June 2014.

Despite earlier assurances that the City would not be seeking to undo or disregard the OPA 42 settlements, the Comprehensive Phase 3 EIS, and in turn the draft Clair-Maltby Secondary Plan, has proposed modifications to the Natural Heritage System. These modifications are proposed despite language throughout the Phase 3 Impact Assessment and Management Plan that notionally suggests that OPA 42 settlements would be respected and that such properties would otherwise be treated differently when it came to refinements of the natural heritage system as part of the secondary planning exercise.

It is clear from reviewing Map NH-14B that ‘refinements’ have been made to every single property within the Clair-Maltby Secondary Plan area that has NHS components. The statements throughout the Phase 3 EIS that compliance with OPA 42 settlements would be carried forward is irreconcilable with this map, which makes it evident that the settlement agreements with the City have not been respected.

In addition, a new concept of a “moraine ribbon” has been applied to the boundary of the NHS system equally for properties that were subject to OPA 42 appeals and those that were not, representing a further

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divergence from the principles established through those settlements.

For our client's property specifically, considerably additions to the natural heritage system have been proposed, including a new 'Natural Areas Overlay' in an area with ELC category FOD4, which categorization was clearly present at the time of the OPA 42 settlement.

We respectfully request that the mapping of the draft Secondary Plan, and specifically each Schedule which contains references to the Natural Heritage System, be revised to properly reflect the OPA 42 settlements and an opportunity given for further review and comments before the final draft is taken to Council for approval.

Yours Very Truly,

SMITHVALERIOTE LAW FIRM LLP

PER:



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