

May 13, 2022

**Delivered by Email**

City of Guelph  
1 Carden Street  
Guelph, ON N1H 3A1  
ATTN: Mayor Guthrie and Council

**Re: Draft Clair-Maltby Secondary Plan (OPA 79)**  
**Our clients: Ikonkar Group Inc. & 2298667 Ontario Inc. – 1912 Gordon St., Guelph;**  
**Our file: 56429-006**

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SmithValeriotte Law Firm LLP (“SV Law”) acts for Ikonkar Group Inc. as well as 2298667 Ontario Inc., the owners of 1912 Gordon Street, Guelph (the “Lands”).

Our clients have been actively involved in the Clair-Maltby Secondary Plan process, and have made numerous written submissions to Council, including at the time of the Public Meeting (see the prior correspondence dated Sept. 16, 2021, from GSP Group, which included further comments from NRSI dated August 31, 2021). While we appreciate the efforts of staff to address some of the concerns from the initial draft Secondary Plan, the proposed OPA 79 now recommended continues to be problematic in several areas. Notably:

1. The Lands are proposed to be a mix of ‘Clair-Maltby High Density Residential’, ‘Medium Density Residential’, and ‘Low Density Greenfield’ residential. Given the Lands’ proximity to the Clair/Gordon node and the identification of the Lands within proposed OPA 80 (the Municipal Comprehensive Review) as a ‘Strategic Growth Area’, coupled with the location of these lands within proposed servicing *Phase 1*, higher densities should be encouraged on the Lands to support the viability of higher-order transit. The inclusion of the Lands within the OPA 80 Strategic Growth Area (draft released February 2022) was unknown at the time of earlier written submissions but lends further support to the appropriateness of higher densities on this property.
2. Our clients continue to oppose the imposition of the ‘moraine ribbon’ around the perimeter of the Lands. As previously noted, there is no technical basis or reasoning for the including of the moraine ribbon, and it functionally acts as a buffer upon a buffer. Characterizing the moraine ribbon as ‘open space’ as opposed to it forming part of the natural heritage system does not change the impact to landowners or the fact that it is a *de facto* down-designation of the lands.

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3. Our clients continue to have concerns about the policies that specifically reference the barn at 1912 Gordon as being of cultural heritage significance. These policies are not only duplicative of general OP policies, but they are also inappropriate considering the *Ontario Heritage Act* regime, which is meant to cover the field for heritage protection. The City can seek individual designation for any buildings/structures/landscapes that meet the requisite criteria under O.Reg. 9/06 and providing half-measure protection through official plan policy without taking steps pursuant to the *Ontario Heritage Act* is at odds with the provincial regime for heritage protection. Policy 11.3.4.1 should simply be deleted.

This further submission is not meant to be exhaustive, and we refer Council to our Clients' earlier September 2021 comments to the extent not already addressed by Staff and would ask that OPA 79 be further amended to address these concerns.

Yours Very Truly,

**SMITHVALERIOTE LAW FIRM LLP**

**PER:**



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