

**From:** Saad

**Sent:** Friday, March 13, 2020 3:48 PM

**To:** bernardKDA <[bernardKDA@richmondhill.ca](mailto:bernardKDA@richmondhill.ca)>; Clerks Richmondhill <[clerks@richmondhill.ca](mailto:clerks@richmondhill.ca)>; Patrick Lee <[patrick.lee@richmondhill.ca](mailto:patrick.lee@richmondhill.ca)>

**Cc:**

**Subject:** No to revised Yonge Bernard KDA Secondary Plan And Zoning By-Law

Hi,

I say **No** to the proposed/revised Yonge Bernard KDA Secondary Plan (YBKDASP) and Zoning By-Law proposed on February 14, 2020 to replace the adopted documents/(as OPA 8) and approved by Council (as Part 12 to 2010 Richmond Hill Official Plan/RHOP/ in force) YBKDASP and associated Zoning By-Law (ZBL) 111-17 after a standard consultation process (2016-2017) though did not in fact address the residents concerns at the time after several public meetings many deputants' verbal addresses. These documents were appealed early January 2018 to the Ontario Municipal Board (OMB) then/now after enactment of Bill 139 the Local Planning Appeal Tribunal (LPAT) .

I'm not a municipal lawyer, Planning or Transportation professional, but I have had some exposure to some relevant information due to involvement in the above appeal process.

1-The documents in the subject matter are Planning documents written in legal format in order to become statutory documents. For most residents it can be difficult to understand the legal language. Editing such documents requires **full transparency and disclosure (the intent with the compelling need or reason and evidence to support it for each change and explain the complete impact and consequences of the change) by the writers/editors of these documents.**

**Alternatively, for the residents / the public in order to provide meaningful/educated input and properly evaluate and comment on these documents they would have to retain separately various professionals or have Federally assigned non-biased professionals preferably after becoming well informed in the case process since inception early 2018.**

2- The City informed the public/residents that its to the LPAT to approve these changes. The City did not inform the public that the role of the **LPAT is not the Guardian / Advocate for the residents.** Additionally, the city did not educate the public of the LPAT process and rules in that the LPAT **will approve cases if No Counter Evidence** is put against the case. And that **the LPAT will give more weight and credibility to testimonies from professionals.**

3-It is highly unlikely for residents within the short amount of time to retain such specialties for their assessments to guide input on March 13, 2020. Similarly, should the residents concerns are not addressed and need to participate in upcoming hearing on June 2020. Financial burdens, conflict of interests of/ for professionals operating in Ontario, compression of time, and coordinated availability of professionals and therefore

**they all lead to lack of natural justice should residents chose the LPAT path. The few weeks allowed for this consultation does not reasonably allow for all these tasks.**

4- The Red lined version of the Yonge and Bernard Key Development Area Secondary Plan Zoning By-Law indicate a serious issue on **page 9 item 1.8 titled Effective Date** . The original text in the adopted version that should have been shown as scribed out was actually removed and not shown as expected in track changes and reads " **This By-Law shall come into force upon November 27, 2017.** " and the new inserted text in the proposed document reads " **This By-Law shall come into force upon approval by the Local Planning Appeal Tribunal** " with a comment " **To recognize that LPAT is the approval authority** "

It is not known if **the intent is to change the real date of approval of November 27th, 2017** of the original document(s) so it would be processed under different , rules and sections of the Planning Act among other provisions than when the Adopted SP and ZBL date and appeal specifics or that evidence ( SP and ZBL are being used as written evidence deposited at the LPAT) to change/swapped with new document.

5-The SP proposed on page 1 removed critical information under **Basis section 12.0 and Introduction S. 12.1**. These sections are actually standard information similar to previously Parts 8, 9 of 2010 RHOP. These sections contain critical information regarding the relevance and linkage of the document to in force Official Plans. The current projected population to be as per 2031 projected in accordance with **2017** Growth Plan.

Also for **section 12.2.4 in the comments it indicates these changes are due to Bill 108**. To my knowledge, the cutoff dates for implementing Bill 108 over **Bill 139** are known and do not apply to this case.

Comments for revision in **section 12.2.3 refer to 2010 RHOP appeal case with one of the developers**. The results of that case is still unknown, therefore its **application is speculative and NOT a fact**. This contradicts the current in force 2010 RHOP.

It is not known what the intent of the addition Item #5 to section 12.2.3 and its relation to revision in item #1 in the same section. The comment regarding the Southwest quadrant where the 1.5 density was not achieved appears ambiguous. Is the City intends to revise the settlement (mid 2017) with one of the site specific appellants for that specific lot to increase the density too or is it going to still increase density by assuming supplemental to be added to another area owned by the developer under the pretext that the 1.5 was not met in the lower density (settled area).

6- The document identified as Peer Review and Transportation Assessment Update, issued as revised draft, dated February 13, 2020 with reference to HDR as the consultant/author should not be considered as final/complete for a counter professional to review since its still a draft. It is not known the actual construction percentage and actual available budgets and percentages to total improvement cost for items in sections 2.2.1 and 2.2.2 and how the impact of completion of each is expected regarding Traffic off the KDA.

5- On March 3rd, 2020 I attended an information session with City staff. I expected that staff would go over each change and elaborate as per above in item #1. The staff re-presented a previous power point slide show to support the Council aspiration. I indicated to Mr. Lee that the changes and revisions are huge and substantial constituting a New Secondary Plan and ZBL, and Mr. Lee confirmed and replied " Yes these documents are New documents". The Planning Act requires a more rigorous public consultation process and not the minimum within extremely tight schedules and without any public meetings and deputations all based on proper process with full factual reports reports and Planning Evidence.

7- Apart from whether these documents are legal and the authors are taking advantage from the fact that residents/the public/audience lacks specific professionals for a real Peer review and comments, it appears that these documents included edits, intentional removal, addition of text and schedules and adding to the KDA area in an attempt to remove parts from the Adopted documents that I have used as evidence or totally replace the documents to make my evidence disappear. This is from due to my participation as the only opposition(person) that got involved in two cases heard on August 12 and 13, 2019. The cases were push as separate site specific cases which the City sponsored (approved) the two development despite drastic flaws ( improper claims ) and non compliance with 2010 RHOP and the adopted YBKDASP and ZBL 111-17.

At the time of the hearings one might argues that the City was at fault in their decisions to sponcer these claims simply out of incompetence, laps of judgement or improper planning. Today when all the evidence parts that I have used in New documents is meant to disappear, it confirms full determination to proceed and approve one hazardous development and one non complying development by gaining a decision in their favour against my opposition or just make the wrong doing disappear from records for good. This is improper use of authority for gain or escape accountability of making intentional faulty decisions.

8- Additionally, in addition to the developer of the RHOP appeal case in item # 5, **the City is coordinating with other developers to exert more scope, more pressure, more time constraints and essentially use these side cases as backdoor cases to enact the By-law and remove the Interim Control By-law (100-16) currently in-force if their cases are not challenged by the residents too. It also appears that the City is preparing another fall safe plan by preparing for adoption a new OMNIBUS By-Law as per City File D 24-19003. The financials for this proposed By Law does not make sense and when I asked to have the YBKDA excluded similar to other exclusions, I was not provided with a convincing reply that makes me comfortable, especially when the content of the intended By-Law could have easily been included within the proposed documents.**

**9- The above is not a full or complete list of issues in the New Documents as proper Professionals will examine the documents and provide findings accordingly.**

Regards,

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