

Aurora Banner

OMB rules against Aurora on Westhill

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The verdict is in on Aurora's long-running battle against a plan to build 75 luxury homes and an 18-hole golf course on a section of the Oak Ridges Moraine near Leslie Street and Bloomington Road.

Ontario Municipal Board vice-chairperson Jan de P. Seaborn recently handed down her decision and interim order stemming from the series of hearings, which concluded in January. She ruled the proposal from Lebovic Enterprises, dubbed Westhill, conforms to all relevant provincial policies, including the Oak Ridges Moraine Conservation Plan and the Region of York's official plan.

As such, she ordered Aurora to amend its planning documents and bylaws to permit the development to proceed.

The OMB's position on the Westhill issue comes as no surprise to Mayor Geoff Dawe. The three-year fight against Westhill has cost the town more than \$650,000, he said, adding the years of lost assessment revenue probably drives that figure into seven-digit territory.

The case only serves to demonstrate it makes far more sense to work with people, including developers, to arrive at an amicable resolution, Mr. Dawe said.

The town should only battle things out before the board when staff advises it's wise to do so or if council has a truly compelling, reasoned and defensible position, he added.

"Staff always took the approach that we would not win at the OMB and, therefore, we should work with the developer to get the best solution," Mr. Dawe said. "It is the first duty of an elected official to follow the legislation that is in place, not make our own laws simply because we disagree with those already in place."

The total cost of the town's involvement in the Westhill matter is \$656,957.78, according to CAO Neil Garbe. That figure includes \$496,279.43 for legal fees, including expenses for court reporters at the OMB, and \$160,678.35 in consulting fees.

Lebovic Enterprises lawyer Michael McQuaid could not be reached for comment by deadline.

Attempts yesterday to reach Councillors Wendy Gaertner and John Gallo, the two current councillors who supported the Westhill fight last term, were also unsuccessful.

Environmental organization Earthroots, which was a

participant in the Westhill case, and residents of the area are displeased with the board's decision, Earthroots senior campaigner Josh Garfinkel said.

No one seems to know how many applications for development were in the pipeline when the Oak Ridges Moraine legislation came into effect, he said, noting Westhill may well pave the way for other transitional plans to go through.

"We're very disappointed, because we saw this as a precedent-setting case," he said. "We feel the environmental concerns weren't really taken into account in the decision."

The OMB isn't the body to adequately assess the impacts of all of the water taking on the moraine - the crux of the appeal to the OMB, Mr. Garfinkel said. It's one of the reasons Earthroots and other organizations have requested the Ontario Ministry of the Environment put a moratorium on issuing more permits in the area pending further study. So far, such requests have been ignored.

It's one of many issues individuals and environmental organizations are hoping to have addressed when the moraine plan comes up for review in 2015, Mr. Garfinkel added.

Lebovic's proposal went before Aurora council in 2008.

Citing concerns about water supply and a desire to protect the sensitive Oak Ridges Moraine, council voted against it.

The company, however, has argued the project will have no impact on the water supply for neighbouring residents as it draws from a different aquifer and will use only treated rain water and wastewater to irrigate the golf course.

The town initially sought a joint board hearing between the OMB and the environmental review tribunal, as both it and adjacent residents felt it was the best way to address the slew of environmental concerns. That request was denied in divisional court in February 2010.

Following the court decision, council ordered its lawyer, Roger Beaman, to file another appeal, but this, too, was turned down.

Three months later, the town retained a hydrogeologist, geoscientist and planner as expert witnesses and, in July, also moved to retain the services of lawyer Rod Northey, who represented residents opposed to the project until they decided to

bow out of the battle.

Westhill is considered pre-approved under the municipal class environmental assessment process, Ms Seaborn noted in her decision, and both sides are to review the draft plans and report back within three months.

If no further disputes arise, Ms Seaborn will then make her final order.

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