

FRONT PORCH PERSPECTIVE: Highland Gate Rate Payers Association Submission

By Stephen Somerville

The other day I was sent a copy of the formal submission of the Highland Gate Ratepayers Association (?HGRPA?) submission to Town Council.

?The HGRPA represents over six hundred members and over three hundred households in the Highland Gate community who are opposed to the application in its current form for the reasons stated herein.?

The HGRPA is opposed to Highland Gate Development Inc.'s (HGDI) plans to ?introduce an additional 184 single detached units and approximately 144 apartments within the Stable Neighbourhood designation?.

This fourteen page document is very well written and explains in detail the multitude of reasons for the group's opposition.

A pre-hearing date of March 22, 2016 has been set by the Ontario Municipal Board (?OMB?) to begin the process of scheduling for hearing the appeals submitted by HGDI?.

You can visit the HGRPA website and read their submission so I will not convey all that is in the letter, but there are a couple of interesting items that I would like to comment on.

First, I agree wholeheartedly that any development should respect the nature of the existing neighbourhood, and I don't believe elements of the developer's plan meet those objectives.

Second, traffic congestion and safety should be a key consideration.

Third, the HGRPA wants security if the project proceeds.

?HGRPA request that the Town of Aurora impose as a precondition for HGDI to post acceptable security in the amount of \$10M for seven years to repair all necessary structural damages caused from all HGDI construction activities to existing residences, basements, swimming pools, environment, etc., caused by this development.?

While I agree that if the project proceeds, then there should be some type of security, I believe that the dollar amount may be a bit steep and the term too long.

The most intriguing thing to me from the letter was contained on the last page of the letter under section 7.0 Conclusion and next steps.

?The HGRPA feels that a development solution can be reached that appropriately respects and is compatible with the existing community, while meeting the development objectives of ClubLink and Geranium.?

Is there any true room for negotiation between the two parties?

From my view, this situation was predictable from the start as we have seen this occur before in a number of communities, including Glenway in Newmarket. And the outcome is always the same.

The real estate developer introduces its plan, then they host a couple of community meetings, after which they make small non-material changes to their plans. The revised plans are rebuffed by the community and their elected representatives. Then, at the first opportunity, the developer applies to the Ontario Municipal Board.

The people in the affected community are angry and want the Town to spend a considerable amount of money (usually in the hundreds of thousands of dollars on lawyers) to quash the plan.

Many other people in town, who are not directly affected by the development, are also angry, but for a different reason; they don't want to see their elected representatives approve any money to continue the fight.

In the end, two things happen. Either the town doesn't pay and the developer wins or the town continues the fight, loses and the developer still wins.

In the Glenway case in Newmarket, the legal, consulting and OMB costs were about \$750,000. More if you factor in staff time and community meetings.

As someone who lives in Aurora but not in the Highland Gate community, I watch these events with interest.

These are the questions that I would like answered:

Is it worth \$1M of the Town's money and time to fight this? What is the probability of winning this at the OMB? Has a Town Staff lawyer or outside Counsel offered any advice to the elected officials on this question? If so, what do they say? Does the Town need to contest this at the OMB to have any chance of HGDI negotiating in good faith with the Town?

Any comments from readers would be welcome. I will have more to say about this in future columns.

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