

Park opponents want to keep land 'exclusive.' 'Not so,' say residents

By Brock Weir

Wars of words and intentions erupted in the Council Chambers last week as groups of Aurora residents squared off fighting for and against the concept plan that will form the heart of the controversial redevelopment of Highland Gate Golf Course.

At the centre of the debate is a trail connecting Bathurst and Yonge Streets through the swath of land and the lights that are planned to illuminate it at night.

According to nearby residents, a lit path is not in keeping with their vision for a passive recreational park, but it is enshrined in the Minutes of Settlement executed by the Highland Gate Ratepayers Association, Highland Gate Developments Inc., and the Town of Aurora.

'There is no justification to create light pollution at the expense or to encourage the use of space behind homes at night,' said resident Mike Bryan. 'While we welcome the potential increased use of the park by all law abiding people, the reality will be that it's those with homes backing onto the park and those within walking distance who will make the most use of it.'

'We wonder what evidence there is to suggest that amenities will ever be used at a level that justifies the expense and the antagonizing of residents who will already be under assault from the front of their homes from the increased density and traffic.' Earlier in the evening, Councillors and residents were addressed by both Cheryl Shindruk of Highland Gate Developments and David Le Clair, representing the Highland Gate Ratepayers Association.

At the start, Ms. Shindruk said they supported the staff recommendation and renewed its commitment to fulfil the Minutes of Settlement and while there is room for discretion in how the lighting is implemented, the lights are required.

'It would be our concern to open up the minutes that were the product of a long and tedious negotiation process,' she said. 'I think there is some latitude in them. Clearly staff were given the authority to finalize the details of the plan.'

A similar view was offered on behalf of the Ratepayers.

Addressing the concerns of the neighbours, Mr. Le Clair said there was more at issue than just lights and were essentially asking Council to 'consider exclusivity when we as a community should be focused on including everyone.'

'That is not to say that the needs of homeowners backing onto the park should not be carefully considered in arriving in the final form of the park; on the contrary they have an important stake in the park along with everyone else in the community.'

The Minutes of Settlement, he said, boast 'extensive parkland that will be developed for the entire community' and negotiations leading up to the agreement saw a 'reversal' in the relationship between the ratepayers and the developer.

'Recent delegations have encouraged reopening the minutes of settlement, unilaterally amending them, or circumventing their spirit with a very interesting theory about basic contract law that would see them de facto amended under the authority of the Parks and Recreation Director,' he said. 'This is all in regards to the proposed amenities of the park being amended to satisfy the needs of the homeowners backing onto the new park.'

'The Minutes of Settlement are a multiparty binding agreement that require the consent of all parties to renegotiate any of its provisions. The HGRPA does not support the reopening of the Minutes of Settlement at this time. The Minutes of Settlement contain a provision that all parties act reasonably and cooperatively with each other in order to implement the minutes of settlement. To suggest that 'to the satisfaction of the director' contained in many of the provisions be used to circumvent the spirit or intent of the Minutes of Settlement in contravention of the reasonableness and cooperation of the parties shows a distinct lack of understanding of basic contract law.'

A very different view, however, was offered by another group of residents this time by Joanne Bartholomew, who said she was representing 75 per cent of the people whose homes abut the new park.

'These families are opposed not to the trails but to having the trails lit overnight year round,' she said. 'They want to be treated no differently than the homeowners who reside on Whispering Pine, Aurora Heights, Orchard Heights or Hollandview, all of whom live in homes bordering lovely Town trails, none of which are lit. We ask you to follow the recommendations of the Town's own trails committee.'

'The people who will have to pay for lighting will be the homeowners living beside the trails that are lit. I am not talking about being paid with money, because we will, as tax payers, all end up paying for the lit trails with years of hydro, staffing costs, lawn mowing maintenance, vandalism repairs, whatever. [We] will pay in terms of loss of privacy, worry about strangers walking behind our homes in the middle of the night and teenagers being teenagers.'

Added resident Bob Callow: 'We have a historic opportunity with a piece of land that is irreplaceable to create a passive park that

will educate and delight our children and grandchildren for generations. This is not about us. It is about preserving an irreplaceable jewel for future generations.?