

## Town does not have right for first crack at land, contends lawyer

**By Brock Weir**

With Aurora preparing to exercise its right of first refusal to purchase a six acre plot of land on Mavrinac Boulevard, the owner of the property, Minto Communities, has sung a different tune.

As The Auroran reported last week, Warren Mar, Solicitor for the Town of Aurora, said he believed there would be some objections from the developers should Aurora try to flex its muscle on this front. That Tuesday, these objections gained some clarity when John Mascarin, a lawyer retained by Minto, addressed Council.

“[The block] has become a source of some contention and, I think, some misapprehension and misunderstanding by the public,” Mr. Mascarin told Council.

“We understand the Town believes, and some of its residents believe, the Town has a right to purchase the land and, indeed, that they might be entitled to purchase the land at a certain price. This is a misunderstanding.”

After a thorough review of the relevant documents, including the 2007 subdivision agreement approved by the last Council, which outlines the right of first refusal, Mr. Mascarin said it is his opinion that not “all the facts” had been presented to either the public or Council.

“We have advised [Minto] that the Town does not have an entitlement to purchase the land at all, much less to purchase the land at any particular value,” said Mr. Mascarin. “There are a number of complicated contractual factors with respect to the subdivision, the conditions of approval, the agreement with the school board, the final clearance of the conditions, and the granting of approval by the Town of Aurora and the registration of the subdivision. It is our legal opinion that the Town is not entitled to exercise the right of first refusal. My view is there is no right of first refusal in any of the documents.”

Mr. Mascarin's points raised questions among Councillors, and comments from the Mavrinac Boulevard neighbours seated in the audience. Councillor John Gallo, who has been one of the more vocal proponents of acquiring the land for parkland, questioned if he would provide his full legal opinion to Council.

While Mr. Mascarin said he would have to wait for instructions from Minto to do so, Councillor Buck questioned how he knew Aurora's “legal department hasn't advised Council properly” when these discussions had taken place in closed session.

Although Mr. Mascarin said he did not make that statement, the Councillor contended that is how she heard it.

“I don't have any problem with anything else of what you're saying, but the fact our discussions have been behind closed doors, I don't know how you can form that conclusion.”

Following questions from Councillor Michael Thompson, Mr. Mascarin said his partner had been in contact with Mr. Mar, but nothing had been formally submitted to Aurora's legal department.