

# 1725596 ONTARIO LIMITED

August 20, 2023

BY EMAIL: [andrew.doersam@ontario.ca](mailto:andrew.doersam@ontario.ca)

Municipal Services Office – Central Ontario  
16<sup>th</sup> Floor  
777 Bay Street  
Toronto, ON  
M7A 2J3

Attention: Andrew Doersam

**RE: ERO Number 019-7195**  
**Ministry Reference number 18-OP-237796**  
**Notice Type: Instrument**  
**Act: Planning Act, R.S.O. 1990**

**Owner:** 1725596 ONTARIO LIMITED  
**Address:** 113 Down Road, Clarington

**Legal Description:**  
PART LOTS 29 AND 30 CONCESSION BROKEN FRONT DARLINGTON PARTS 1 AND 2 PLAN 40R30564  
SUBJECT TO AN EASEMENT OVER PART OF LOT 30 CONCESSION BROKEN FRONT DARLINGTON, PART 1  
PLAN 40R30564 AS IN DR344884 MUNICIPALITY OF CLARINGTON  
P.I.N.: 266040080

**Owner:** 1725596 ONTARIO LIMITED  
**Address:** N/A

**Legal Description:**  
PART LOT 31 CONCESSION BROKEN FRONT DARLINGTON, PART 1 PLAN 40R30563 MUNICIPALITY OF  
CLARINGTON  
P.I.N.: 269391509

We, 1725596 Ontario Limited, are the registered owners of the lands municipally known as 113 Down Road in the Municipality of Clarington (“MOC”), herein referred to as the “Subject Lands” as shown highlighted in ‘purple’ on the attached Schedule “A”. This Letter is being submitted in accordance with the public consultation period for ERO posting 019-7195 with respect to the 2023 Durham Regional Official Plan.

## Description of the Subject Lands

The Subject Lands are located on the south side of Darlington Park Road, abutting the east and west sides of Down Road. The properties have a combined area of approximately 51.94 hectares (128.36 acres) and are accessed by Down Road. The Subject Lands are situated along the Lake Ontario waterfront in the Municipality of Clarington within an area of land south of Highway 401, east of Darlington Provincial Park and west of the Clarington Energy Business Park. These lands also formed a significant portion of the Courtice Waterfront Study Area (“CW Study Area”), which together with the Energy Park lands to the east, constituted the expanded Courtice Waterfront and Energy Park Secondary Plan Update Area. However, the Municipality of Clarington paused further work on the Secondary Plan in the wake of the decision by Ontario Power Generation to withdraw its proposal to construct a new headquarters within the Energy Park.

# 1725596 ONTARIO LIMITED

This pause of the Secondary Plan had the collateral effect of pausing the planning process for the housing component of the proposed Secondary Plan, therefore delaying delivery of much needed housing. The Municipality of Clarington also expressed an interest in locating a new large Municipal Park along the shores of Lake Ontario to serve the new residential community and possibly the greater Clarington community. However, the pause on the Secondary Plan process also paused the potential delivery of the park.

The Subject Lands are extraordinarily well-suited for a residential development in the short term that will align with numerous Provincial strategic objectives, including building 1.5 million homes by 2031, and making efficient use of existing and planned civil, transportation, and community infrastructure. The Subject Lands are located directly south of a proposed Protected Major Transit Station Area (PMTSA) and Secondary Plan area associated with the future Courtice GO Station and the Courtice Transit-Oriented Community (TOC).

## Region of Durham Official Plan

The Region of Durham Official Plan, as adopted by Regional Council, situate the lands within the Urban Area Boundary and designate them as Special Study Area #4. Prior to the stalling of the Courtice Waterfront and Energy Park Secondary Plan process, the Subject Lands were being proposed for development with a variety of housing forms and recreational/parkland uses.

The designation of the Subject Lands as a Special Study Area #4 on Map 1 partially recognized the draft Courtice Waterfront and Energy Park Secondary Plan.

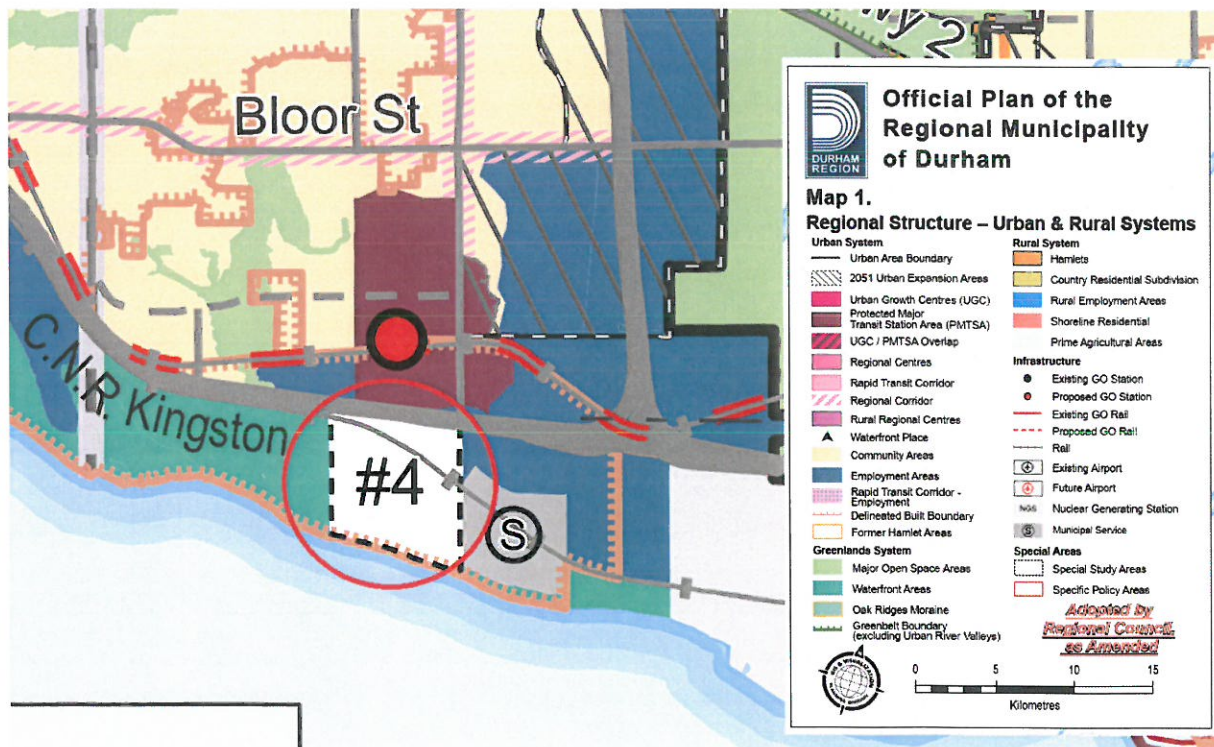


Figure 1: Map 1 of the Durham Regional Official Plan - Special Study Area 4

# 1725596 ONTARIO LIMITED

However, Policy 9.1.2 c) of the new Regional Official Plan would require an amendment to the Official Plan to allow the development of a mixed-use community on the Subject Lands and such an amendment would be subject to the satisfaction of the following matters:

- i) *land use compatibility considerations, due to the proximity of existing Regional facilities including future expansions, planned Regional facilities, railways, transportation and related infrastructure has been addressed to the satisfaction of the Region;*
- ii) *transportation connections and access/egress has been addressed to the satisfaction of the Region, the Municipality of Clarington and CN Rail; and*
- iii) *an agreement has been executed for the conveyance of land for a public Waterfront Park with the Municipality of Clarington.*

In our view, any requirement for a future Regional Official Plan Amendment is completely unnecessary as the Subject Lands were already identified within the Urban System of the previous Regional Official Plan.

The Regional Official Plan is being finalized at this time; therefore, requiring future amendments will result in substantial further delays. Any of the concerns in the proposed policies can be satisfied through other planning mechanisms such as the municipal Draft Plan and/or Rezoning process, similar to how most other lands in the Region of Durham receive their development approvals. Also, withholding a land-use designation in the Regional Official Plan pending the execution of a conveyance agreement with the local municipality for land for a public Waterfront Park runs counter to the legislation passed under Bill 23 regarding how the size and location of parkland is determined. The Planning Act determines the scope of parkland dedication that is required to be made based on the development plan advanced; furthermore, details of development, like parkland, in particular at the stage of a Region Official Plan, cannot be withheld pending an agreement on the lands to be dedicated.

As such, this Letter requests the Ministry of Municipal Affairs and Housing consider the following modification:

- 1) the Subject Lands be designated as Community Areas in the Region of Durham's Official Plan; and,
- 2) the text of Special Study Area #4 be removed and replaced with site specific policies that permit:
  - a. development of a community, consisting of low-density residential, medium density residential, and high density residential within a variety of building forms including detached, semi-detached, townhouse, stacked townhouses, back-to-back townhouses, stacked back-to-back townhouses and apartment buildings with maximum heights of 40 storeys, commercial uses, retirement residences, senior's care residences, long-term care and ancillary and public uses; and,
  - b. development may proceed without a requirement for a Secondary Plan.

Implementing these land uses through a stalled Secondary Plan process that is tied to nearby Employment Lands will take far too long, possibly as much as 5+ years or more, whereas implementing the policies immediately could see draft plans submitted and site works

# 1725596 ONTARIO LIMITED

commence within the next 2-3 years where the same considerations can be dealt with as to the appropriateness of development forms and location of same.

As we have seen in far too many examples, development delays add substantial costs to the price of new homes, regardless of unit types or tenure, and delay the addition of new homes to the Province of Ontario's housing stock. The request to implement site-specific policies responds to the timing challenges and still allows for a complete planning process to be undertaken with the Municipality of Clarington.

To assist with your consideration, we have attached a concept plan as Schedule "A" showing how an urban residential community may be developed. Depending on the final site layout and design, we anticipate adding a wide range between 1500-3600 homes to Ontario's housing inventory in a wide variety of housing forms and affordability levels while completing the community with pedestrian and vehicular infrastructure together with a potential visionary Waterfront park, whose final size and location will be determined through a draft plan process.

Please note that the attached concept plan and the Special Study Area #4 includes lands owned by the Municipality of Clarington known as PINs 26604-0031, 26604-0014, 26604-0015, 26604-0016, 26604-0017 that we consider appropriate for residential development within the Courtice Waterfront and Energy Park Secondary Plan, however, an alternative development for the Subject Lands could be prepared that would not include the municipally owned lands should the Municipality ultimately determine that those lands are better suited for another purpose. These Municipal lands are identified on the attached Schedule A" and outlined in yellow.

## Conclusion

We believe the development of a vibrant residential community on the Subject Lands should commence as soon as possible. The above amendments will facilitate:

- a) building of a wide variety of housing forms and levels of attainability,
- b) make efficient use of existing and planned community infrastructure,
- c) optimize investments being made in the Courtice GO Station, and
- d) meet the strategic objectives outlined by the Province of Ontario.

We appreciate the opportunity to provide comments on the Regional Official Plan and we ask that our proposed amendments be considered by the Minister of Municipal Affairs and Housing for incorporation into the Regional Official Plan.

Thank you for your consideration. Please contact the undersigned if you have any further questions or comments regarding this letter.

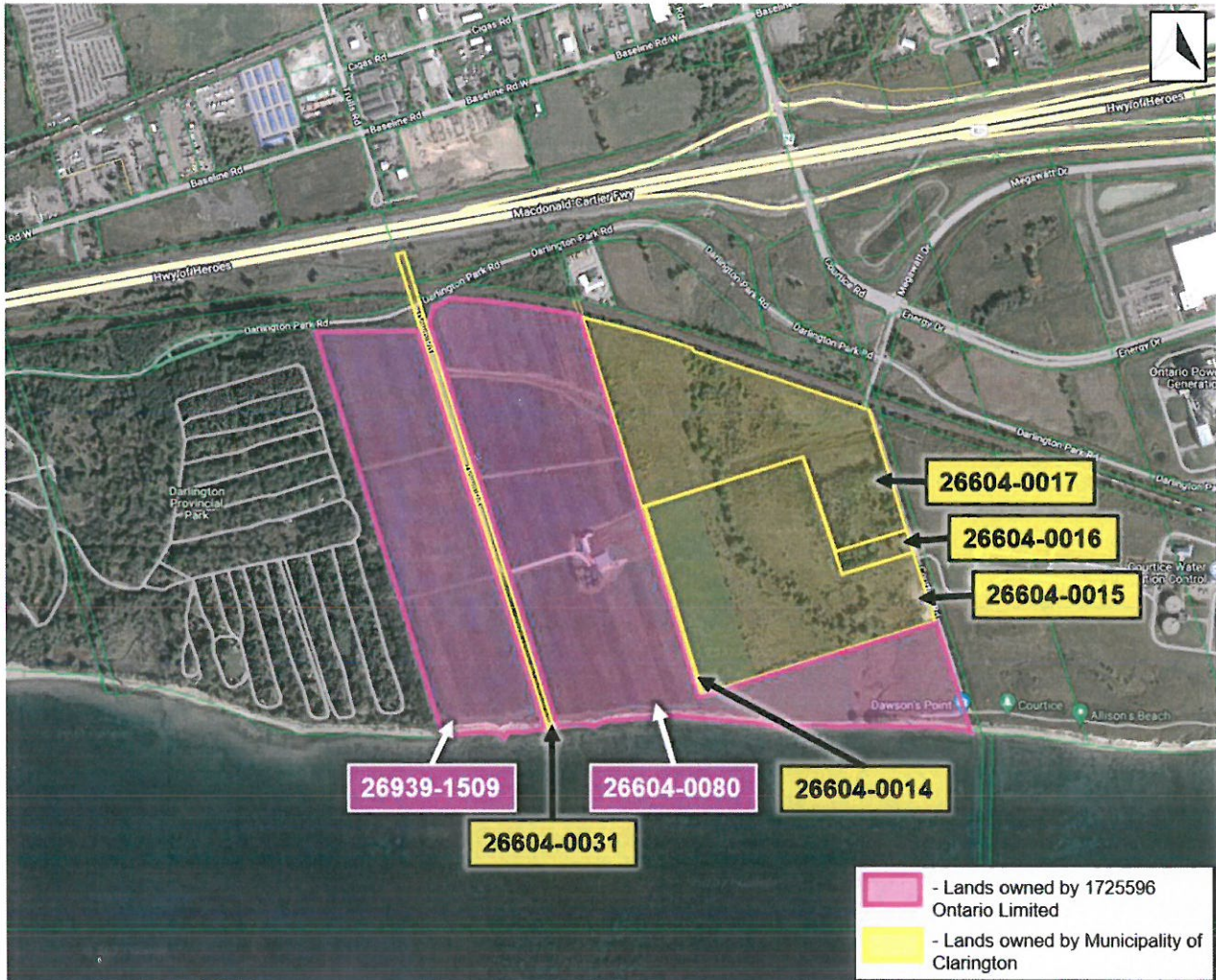
Yours truly,  
1725596 Ontario Limited



Kirk Kemp  
Encl.

# 1725596 ONTARIO LIMITED

## Schedule "A"



# 1725596 ONTARIO LIMITED

## Schedule "B"

