

August 18, 2023

**SUBMITTED VIA THE ENVIRONMENTAL REGISTRY OF ONTARIO**

Honourable Steve Clark  
Minister of Municipal Affairs and Housing  
777 Bay Street, 17<sup>th</sup> Floor  
Toronto, ON M7A 2J3

Dear Minister Clark,

**Re: Dufferin County Official Plan Amendments No. 2 By-law 2023-25 (the “OPA 2”) and No. 3 By-law No. 2023-43 (the “OPA 3”)  
ERO 019-7119  
Ministry reference number 22-OP-238596**

We are counsel for Flato Developments Inc. (“**Flato**”) a community builder of residential homes, low rise and high rise buildings as well as commercial developments. Flato currently owns approximately 38 hectares of land legally described as outlined in **Schedule “A”** and located in the Town of Shelburne (the “**Town**”), in northeast quadrant of the Fourth Line and Highway 89 intersection (the “**Subject Lands**”), as depicted below. We provide the following comments in support of OPA 2 and OPA 3 (collectively, the “**OPAs**”) as both OPAs relate to long term planning for growth in the Town.



Fernanda Lopes & Associados ▶ Guevara & Gutierrez ▶ Paz Horowitz Abogados ▶ Sirote ▶ Adepetun Caxton-Martins Agbor & Segun ▶ Davis Brown ▶ East African Law Chambers ▶ Eric Silwamba, Jalasi and Linyama ▶ Durham Jones & Pinegar ▶ LEAD Advogados ▶ Rattagan Macchiavello Arocena ▶ Jiménez de Aréchaga, Viana & Brause ▶ Lee International ▶ Kensington Swan ▶ Bingham Greenebaum ▶ Cohen & Grigsby ▶ Sayarh & Menjra ▶ For more information on the firms that have come together to form Dentons, go to [dentons.com/legacyfirms](https://www.dentons.com/legacyfirms)

The County of Dufferin (the “**County**”) undertook a municipal comprehensive review (the “**MCR**”) to update population and employment growth allocation for each lower-tier municipality in the County and prepared a Land Needs Assessment to determine whether expansion to settlement areas would be required to accommodate growth. In advance of the County’s MCR, Flato submitted development applications to expand the Town’s settlement area. An Official Plan Amendment, Zoning By-law Amendment and Draft Plan applications (the “**Town Applications**”) were submitted to the Town. The Town Applications were deemed complete on June 2, 2021.

Flato further filed an Official Plan Amendment with the County on March 23, 2023 (the “**County Application**”) and the County Application was deemed complete on July 7, 2021. Flato intends to develop the Subject Lands with a mix of uses including purpose-built rental seniors housing and a neighbourhood retail/commercial plaza. Later phases will include low density residential and medium density residential land uses, as well as neighbourhood parks and stormwater facilities. Flato continues to work with Dufferin County and Town of Shelburne staff towards the redevelopment of the Subject Lands.

Flato submitted comments to the municipality on January 26, 2023 respecting the language at Section 3.5.1.2 Shelburne Urban Settlement Area Expansion, namely, requesting that in considering the Phase II draft mapping, the language at 3.5.1.2 should be deleted. The municipality agreed with the removal of the lands. The language referred to is as follows:

#### **3.5.1.2 Shelburne Urban Settlement Area Expansion**

Further to the County Growth Management Strategy, 2009, and the Town of Shelburne Comprehensive Review & Shelburne West Secondary Plan, 2016, the Town is undertaking preliminary work in support of an environmental assessment to increase municipal sewage service capacity. Upon confirmation of the existing and planned servicing capacity, and satisfying the municipal comprehensive review requirements of Section 3.5.1.1. of this Plan as it applies to lower tier municipalities, the Town will determine the quantity of land needed and, if necessary, the most suitable location to expand the urban settlement area boundary. This assessment will apply, at a minimum, the specified intensification and designated greenfield area targets for the Town as provided in Tables 3.4 and 3.5 of this Plan.

An amendment to this Plan be required in conjunction with a local municipal official plan amendment that provides for the settlement expansion area, if required. In the even that Shelburne is unable to demonstrate sufficient capacity to accommodate the future reserved population growth prior to the first County review of the Official Plan, the County may allocate the future reserved population growth to urban settlement areas or the community settlement areas, in accordance with section 3.5.2.1

The MCR Phase II mapping includes the West Shelburne lands in the Settlement Area and updated OPA 3 removes the policy reference from the current OP schedule B/B1. Flato supports the County OPA 3, including the removal of Policy 3.5.1.2 and the inclusion of the West Shelburne lands in the Settlement Area.

OPA 2 and 3 will assist in developing the Subject Lands to meet the Province’s objectives related to housing targets and providing increased housing stock of a variety of forms from purpose-built rental seniors housing and neighbourhood retail. We commend the County’s efforts, and thank the Province for the opportunity to provide these comments.

Please do not hesitate to contact me if you have any questions regarding the above.

Yours truly,

**Dentons Canada LLP**

DocuSigned by:  
*Jessica Jakubowski*  
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Per: Katarzyna Sliwa  
Partner

Copy: client

KS/jj

## Schedule A

### Legal Descriptions

1. 34233-1090 (LT)  
PART OF LOTS 2 AND 3, CONCESSION 3 OLD SURVEY, BEING PART 1 ON 7R6706;  
TOWNSHIP OF MELANCTHON
2. 34233-1091 (LT)  
PART LOT 2, CONCESSION 3, OLD SURVEY, MELANCTHON, PART 1, PLAN 7R-6718;  
TOWN OF SHELBURNE
3. 34233-1092 (LT)  
PART LOTS 1 & 2 CONCESSION 3 OLD SURVEY, LOTS 31 TO 36, 39 TO 61, 65 TO 67 AND  
PART LOTS 11 TO 17, 26 TO 30, 37, 62, 63 & 64, PART OF KING ST, PART OF QUEEN ST,  
PART OF PRINCE ST AND PART OF DUKE ST CLOSED BY MF62334, PLAN 28A BEING  
PART 1, 7R6743; TOWN OF SHELBURNE
4. 34233-1093 (LT)  
PART LOTS 11 TO 17 AND PART OF PRINCE ST CLOSED BY MF62334, PLAN 28A BEING  
PART 2, 7R6743; TOWN OF SHELBURNE