

WHITE CHERRY DEVELOPMENTS INC.

Submitted Via Email to: Minister.mah@ontario.ca ; schicp@ola.org ;
greenbeltconsultation@ontario.ca; and NHplanning@ontario.ca

November 28, 2023

Attention: Honourable Paul Calandra, Minister of Municipal Affairs and Housing
Ministry of Municipal Affairs and Housing
Provincial Land Use Plans Branch
13th Floor, 777 Bay St
Toronto, ON
M7A 2J3

Attention: Members of the Standing Committee on Heritage, Infrastructure and Cultural Policy
Legislative Assembly of Ontario
Whitney Block, Room 1405
99 Wellesley Street W.
Toronto, Ontario
M7A 1A2

Minister Calandra:

RE: Cherrywood Area Lands, City of Pickering
ERO Nos. 019-7739 and 019-7735
Proposal to Return Lands to the Greenbelt - Greenbelt Statute Law Amendment Act, 2023 and
New Act regarding the Duffins Rouge Agricultural Preserve easements and covenants

White Cherry Developments Inc. (“**White Cherry**”) is a partnership comprised of a number of experienced land developers and homebuilders with ownership interests in properties across the Province of Ontario, including in the Cherrywood Area Lands in the City of Pickering.

This letter is submitted in response to the Province’s recent and abrupt proposal to introduce legislation that would restore all 15 parcels of land that were removed from the Greenbelt in late 2022, and to reinstate the easements applicable to the Duffins Rouge Agricultural Preserve.

White Cherry formally requests that the Government reconsiders these proposals, omit the Cherrywood area lands (identified on the Proposed Restoration and Redesignation “Map 6”) from those lands being returned to the Greenbelt, and not reverse the December 2022 repeal of the *Duffins Rouge Agricultural Preserve Act, 2005*.

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On March 13, 2023, being approximately four (4) months after the government removed 15 parcels of land from the Greenbelt, White Cherry entered into an Agreement of Purchase and Sale with a single vendor to acquire a portfolio of properties in Cherrywood cumulatively totaling approximately 430 acres in land area (the “**Property**”). The Property was marketed through a public open market process facilitated by the CBRE Land Services Group brokerage. On June 1, 2023, White Cherry completed its acquisition of the Property for \$155 million, representing the fair market value of the Property at that time since the lands were not in the Greenbelt (having been removed in December 2022) nor were they subject to the former agricultural easements pursuant to the Duffins Rouge Agricultural Preserve Act. White Cherry was aware that the government had publicly advised, many times, that lands removed from the Greenbelt would be returned if planning approvals were not realized by the end of 2023 and if construction had not commenced by 2025. The vendor of the White Cherry lands knew this as well and was unable to meet the timelines noted above. White Cherry, given its expertise in community building, was able to meet this timeline and to thus make a meaningful contribution towards addressing the pressing housing supply crisis that challenges housing affordability in Ontario.

Since then, White Cherry has expended significant financial and human resources in its effort to develop the Property for a complete community which, together with the other Cherrywood Area Lands would have delivered 30,000 homes. This included its participation in the landowners group, the Cherrywood Area Lands Management Inc. (“**CALMI**”). CALMI and its members engaged dozens of consultants and successfully collaborated with the Office of the Provincial Land and Development Facilitator, the Region of Durham, the City of Pickering, the Toronto and Region Conservation Authority, utility companies, affordable housing providers, and countless other interested parties. This comprehensive development approach was undertaken in an especially expeditious manner at the encouragement of the Government, the Provincial Land and Development Facilitator and on account of the aggressive timelines that the Government imposed on landowners. In fact, the securing of approvals and commencement of the Cherrywood development were very close to being realized prior to the Government’s announcement on September 21st, 2023 to reverse course. A site alteration permit from the TRCA was ready to be issued for the initial phase of the project and it was anticipated that site preparation would begin immediately afterwards.

The decision to return the Cherrywood Area Lands to the Greenbelt is not only immensely disappointing, but is simply unjust. White Cherry has done nothing wrong and only followed the guidance and direction of the Provincial government. It is completely unjust to treat White Cherry in this manner when all that it did was make a private investment, for value without notice, based on decisions made by the Government in furtherance of building much needed housing in Ontario. The Cherrywood Area Lands are better suited for development than most other greenfield urban expansion areas throughout the GTA. The Cherrywood Area Lands are directly adjacent to built-up areas of the City of Pickering, the City of Markham and the City of Toronto and benefit from

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approximately \$2 Billion dollars of existing infrastructure. That is why, in fact, the development is more akin to infill development than urban area expansion, and should be considered as such. The Property's location and its ability to immediately utilize existing infrastructure, in addition to many other factors including the backing of motivated developers who own it, make the Cherrywood Area Lands a prime opportunity to assist the Government with its ambitious goal of building 1.5 million homes.

Despite what is being said about the Greenbelt, the Cherrywood lands are ecologically indistinguishable from those typical of current and historical urban development in Ontario. The development of the Property would respect all of the first-rate environmental and flooding protections laws of Ontario and would have protected and improved the existing natural features surrounding it. White Cherry remains committed to protecting the natural environment by respecting principles of good environmental planning and was meeting, and in some cases exceeding, all applicable provincial planning and environmental requirements.

In addition, significant community benefits will be lost as a result of the return of the Cherrywood Area Lands to the Greenbelt. As part of the development of the Property, White Cherry would have contributed to the conveyance of hundreds of acres of public parkland for the enjoyment of the community, lands for affordable housing, lands for a post-secondary institution and a 30-acre healthcare campus, as well as lands for a wide range of other community uses such as libraries, community recreation complexes, fire and police stations, etc. Please find attached a copy of the City of Pickering Meeting minutes for October 23, 2023, with the resolution #308/23 community benefits lost in the Cherrywood Area Lands.

The development and homebuilding industry is a challenging one, but its endeavours are made even more difficult when operating in an environment where the Government is making such wide-reaching changes to the land use planning system in such an unpredictable, haphazard and unfair manner.

Perhaps most concerning of all is the Government's conduct in attempting to insulate itself from taking financial responsibility for its reversal and its refusal to make whole those who did nothing wrong but have suffered significantly. This entire process and the proposed legislative amendments to section 19 of the *Greenbelt Act* are being handled in an undemocratic manner. White Cherry did nothing wrong throughout the process but is now being forced to bear sole responsibility for the Government's improper reversal. The financial impact on the White Cherry Partners is very significant.

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This can be rectified by omitting the Cherrywood Area Lands (identified on the Proposed Restoration and Redesignation “Map 6”) from the lands being returned to the Greenbelt, and by the Government not reversing the repeal of the *Duffins Rouge Agricultural Preserve Act, 2005*.

Lastly, the Greenbelt is legislated to be reviewed every ten years. At the next scheduled Greenbelt review, it is imperative that **the Review be completed in a non-political, non-partisan, transparent, objective manner and done so publicly, by a multi-disciplinary Greenbelt Plan Review Committee.**

Sincerely,

WHITE CHERRY DEVELOPMENTS INC.

Encl.: City of Pickering Meeting minutes for October 23, 2023, with the resolution #308/23 community benefits lost in the Cherrywood Area Lands.

Copies: Isaiah Thorning, Committee Clerk, Standing Committee on Heritage, Infrastructure and Cultural Policy
Laurie Scott, MPP for Haliburton-Kawartha Lakes-Brock
Teresa J. Armstrong, MPP for London-Fanshawe
Lorne Coe, Parliamentary Assistant to the Premier, MPP for Whitby
Hardeep Singh Grewal, Parliamentary Assistant to the Minister of Transportation, MPP for Brampton East
Joe Harden, MPP for Ottawa Centre
Natalia Kusendova-Bashta, Parliamentary Assistant to the Minister of Francophone Affairs, MPP for Mississauga Centre
Mary-Margaret McMahon, MPP Beaches-East York
Billy Pang, PA to the Ministry of Citizenship and Multiculturalism MPP Markham-Unionville
Matthew Rae, PA to the Minister of Municipal Affairs and Housing, MPP for Perth-Wellington
Sheref Sabawy, PA to the Minister of Public and Business Service Delivery, MPP for Mississauga-Erin Mills

1. That Council endorse the comments contained in Report PLN 36-23, and as set out in Appendix I to Report PLN 36-23, as the City of Pickering Detailed Comments on the proposed changes to the definition of an “Affordable Residential Unit” in the *Development Charges Act*; and,
2. That staff be authorized to submit the comments in Report PLN 36-23 and Council’s resolution thereon, to the Environmental Registry of Ontario posting (ERO 019-7669) as the City of Pickering’s comments on the proposed changes to the definition of an “Affordable Residential Unit” in the *Development Charges Act*.

Carried

Resolution #307/23

Moved by Councillor Brenner
Seconded by Councillor Cook

That leave be granted to suspend the rules of procedure to introduce a motion regarding Cost Recovery: Greenbelt – Cherrywood Area Lands.

Carried on a Two-Thirds Vote

11.11 Cost Recovery: Greenbelt – Cherrywood Area Lands

A brief discussion period ensued between Members of Council regarding the request to the Province, and the importance of ensuring the approach used in any future review of the Greenbelt lands is transparent and consultative.

Resolution #308/23

Moved by Councillor Brenner
Seconded by Councillor Cook

Whereas, on December 14, 2022, the Province removed land in the City of Pickering from the Provincial Greenbelt Plan, known as the Cherrywood Area lands;

And Whereas, the Province directed through the Office of the Provincial Land and Development Facilitator to facilitate discussions with the City of Pickering, and the Cherrywood Area landowners, to develop a Master Plan of the Cherrywood Area lands and that such discussions included:

- a minimum of 25% of the 30,000 residential units (7,500 units) being a combination of affordable and/or attainable housing which included the provision of at least 6,000 income-based affordable housing units through recognized non-profit housing providers including Habitat for Humanity GTA and Durham Region Non-Profit Housing Corporation;
- total accommodation of 73,000 new residents and 23,000 jobs;
- a 30-acre health care campus – which could include a hospital, confirmed with a letter of understanding with Lakeridge Health and landowners;
- a 14-acre post-secondary school campus with Durham College, confirmed through a letter of understanding with Durham College and landowners;
- a substantial amount of publicly owned parkland, exceeding the Planning Act maximums;
- community centres, libraries, recreational complexes, fire halls, maintenance facilities, trails and an outdoor amphitheater for the performing arts;
- employment lands to foster economic growth and job creation; and,
- infrastructure - roads, water, wastewater, stormwater management systems, within the Cherrywood area lands and beyond.

And Whereas, the Province further directed the Office of the Provincial Land and Development Facilitator to facilitate negotiations of a Development Agreement, and other agreements, required for the Cherrywood Area to support an expedited development approval process in order to meet the Provincially imposed deadlines of achieving land use planning approvals by the end of 2023 and commencing construction by no later than 2025;

And Whereas, in reliance on the Provincial direction and timelines, the City expended taxpayers' dollars to retain additional planning, engineering, and administrative staff to expedite the review of the Cherrywood Area plans and studies required to meet the deadlines established by the Province;

And Whereas, in reliance on the Provincial direction and timelines, the City also expended taxpayers' dollars to retain external Legal Counsel and other technical consultants to negotiate the Development Agreement and protect the City's interests;

And Whereas, the City and its staff have worked expeditiously and cooperatively to achieve Provincial goals and timelines as directed at considerable time and cost to the City;

Now therefore be it resolved that the Council of The Corporation of the City of Pickering:

1. Endorses the actions of the Mayor to make a request to the Honourable Doug Ford, Premier of Ontario, and the Honourable Paul Calandra, Minister of Municipal Affairs and Housing, for the recovery and reimbursement of all costs incurred by the City since December 14, 2022, respecting the Cherrywood Area lands totaling \$360,135; and,
2. That should there be any consideration for any future Greenbelt lands review, that it be undertaken in a transparent manner through impartial, nonpartisan experts in conservation, agriculture and environmentalism, and include engagement with Indigenous communities and impacted municipalities and their Councils.

Carried Unanimously on a Recorded Vote

12. Motions and Notice of Motions

12.1 Street Naming for Former Pickering Councillor Donald Kitchen

Resolution #309/23

Moved by Councillor Brenner
Seconded by Councillor Cook

WHEREAS, Section 02.02 (a) of Policy ADM 220, Street Naming Policy states that the procedure for reserving names not on the Reserve List to be used for public or private streets in Pickering requires all applicants to submit an application to add a street name to the Reserve List to the City Development Department which shall include the proposed name and the rationale for the name, in addition to the applicable fees as per the City's Fees and Charges By-law;

And Whereas, former Ward 2 Town Councillor Donald Kitchen, who passed away on April 18, 2023, resided in Bay Ridges and was a founding President of the Bay Ridges Eastshore Community Association, served as Ward 2 Town Councillor for 16 years, and was responsible for championing Community Centres, Kinsman Park, and Green Spaces in Pickering;

Now therefore be it resolved that the Council of The Corporation of the City of Pickering:

1. Recognizes that the late former Ward 2 Town Councillor Donald Kitchen was a resident of Pickering and exhibited significant importance to