

Subject:

Report 35 Item 2 Stegmans Mill

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Communication
COUNCIL: Oct 24/17
CW Rpt. No. 35 Item 2

From: Richard Lorello <rlorello@rogers.com>

Date: October 24, 2017 at 9:52:14 AM EDT

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Reply-To: Richard Lorell [REDACTED]

Good morning Ms. McEwan

Please post this communication in advance of the Council Meeting this afternoon.

Mayor and Members of Council

I respectfully request a deferral of Report 35 Item 2, Stegman's Mill development, pending a legal opinion of the City's plan to change the definition of a detached home as described in the item. As you recall the recommendation of staff is to change the definition linked homes to be detached homes.

I firmly believe that the staff recommendation runs contrary to established court rulings on the misrepresentation of linked homes as detached homes. I have provided a link to a 1984 court ruling which firmly establishes that a linked home cannot be represented as a detached home. See link below;

<https://www.canlii.org/en/on/onsc/doc/1984/1984canlii1853/1984canlii1853.html?searchUrlHash=AAAAAQASNDQ5NTc2IE9udGFyaW8qTHRkAAAAAAE&resultIndex=2>

Furthermore this ruling has been relied upon by lawyers in subsequent cases where home buyers were deceived in their purchase of a linked home which was represented as a detached home. See link below

<https://www.thestar.com/life/homes/2017/06/03/detached-home-for-sale-is-actually-linked-to-property-next-door.html>

Staff's recommendation has the potential to expose the City of Vaughan to legal risk given that the recommendation is contrary to established court rulings and precedent.

Staff's recommendation is not in the public interest and would sow confusion in the Vaughan real estate market place where would-be home buyers could be fooled into buying a detached home when in fact they are buying a linked home. Council is sworn to uphold the public interest and by approving this item as is, Council will be exposing would-be buyers and existing established neighbourhoods to unwanted, inappropriate and incompatible development.

In addition, I am also concerned that staff's recommendation does not make clear that this change is site specific. The report is very vague on this point and was only verbally revealed in the last committee of the whole meeting. I do not see how the recommendation can be site specific when the change would have to be made to Volume 1 of the VOP 2010 which is city wide. This would expose the entire city to the change where by detached homes can be bought up in established neighbourhoods and replaced with linked homes and be sold as detached homes.

This is completely unacceptable and also contradicts the City's newly approved infill policy, the Real Estate Council of Ontario and the Municipal Property Assessments Corporation who have clear definitions and policies on the difference between linked homes and detached homes.

Staff recommendations and City policy should be consistent with court rulings and court precedent. An external legal opinion is required on this matter. As a city we should also be consistent with other agencies and bodies on this matter. Given that this item has far reaching implications on the construction of new homes, I ask Council to seek a legal opinion before approving this matter because it is in the public interest to do so and because residents require assurances from the city that established neighbourhoods will be protected.

Sincerely
Richard T. Lorello