



February 1, 2018

Dear Councillor Racco,

This letter is in response to the findings of the Honourable Robert P. Armstrong. This report affects the Friends of Grand Trunk Ravine ("The Friends"). The Friends are a residents' group within Block 18 in your ward. We have been very involved in the development application that pertains to Mr. Armstrong's report.

The families that make up this residents group lead very busy lives and have to be at work during Mr. Armstrong's presentation to Council on February 6, 2018 at 1 pm to Committee of the whole. The Deputy City Manager informed me that deputations can be made but questions cannot be brought forward. I understand and accept this process, but would like to point out some concerns of the families that were directly affected by this investigation.

I have read Mr. Armstrong's report and would like to put forth to you a few questions for clarification. We also understand that members of council can put questions forward to Mr. Armstrong. We hope you can pass these questions on to him for our group.

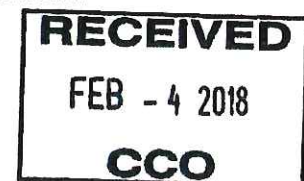
On Pg.3 Par.6 - He states, *"Although I note at the outset that I am not bound by the same statutory and Code of Ethical Conduct (the "Code") obligations that constrained the Commissioner in the preparation of the IC Report."*

Why was Mr. Armstrong's investigation approach different? If the Integrity Commissioner's findings were founded on the basis of the code of conduct then wouldn't his findings differ from the Integrity Commissioner's investigation?

On Pg.4 Par.13 – He states, *"that City Council approved the settlement at least in principle on a very narrow vote, against the recommendations of City planning staff."*

This raises concerns with the residents. Planning staff brought forward a recommendation to not support the settlement and council voted against it. I am sure that the Planning staff based their recommendation on research and technical papers that supported their findings. What information did council base their vote on? The last time I checked, I do not think that anyone on council is a Planner, Hydro Geologist or an Ecologist. The City is structured as a corporation and has supporting staff, such as Planners. A recommendation based on fact presented to a council assists them to make the best and most accurate decision. It speaks volumes that the majority of council went against the advice of planning staff. Secondly, was the planning staff compromising their code of ethics when they were directed by council to work with the applicant to settle?

On Pg.5 Par.16 – He States, *"Also in attendance to support the Settlement was the head of the Eagle Hills Community Association, Mr. Peter Badali. Four individual neighbourhood residents were also allowed to participate in the hearing, all of whom opposed the Settlement."*



C 2.2

Many residents of Princess Isabella, Lady Bianca Courts, and Maverick Cres. were not informed of the October 14, 2015 OMB hearing and didn't know who Peter Badali was. It was with great shock that Mr. Badali was in support of the settlement without asking a single resident that backs onto the subject lands.

On Pg.6 Par.21 – He states, *"On September 29, 2016, however, the Owner exercised its rights under the Planning Act to appeal both its Zoning Application and its Subdivision Application to the OMB, as more than 120 and 180 days had passed since the filing of each application, respectively, and no final decision had yet been made by City Council (the **"Second OMB Appeal"**). A 3-day hearing was scheduled to commence on March 22, 2017."*

In all fairness to the City Planning Department, how could a final decision have been made on an application that is incomplete due to studies and reports that are still due by the applicant?

On Pg.12 Par.31 – He states, *"I concluded that if I failed to consider the full picture, my Report would be open to the criticism that it was too narrowly focused."*

The residents believe that after reading this report that he did fail to consider the full picture. An investigation like this one should include all parties involved. There is no mention of residents being interviewed. There are other people that were employed by the city that we believe should have been contacted. Before Claudia Storto, Dawn Jubb was acting council for the city on this file and there is no mention of her in the report.

On Pg.15 Par.46 – He states, *"I emphasize that contrary to what some may have anticipated, the scope of my retainer pursuant to Council's Resolution does not include an inquiry into all aspects of the Development, nor to engage in a review or re-evaluation of the IC Report."*

The residents interpret this statement that he, himself believes that this is an incomplete report due to the limit of the scope that was presented to him. We also believe that he should have been able and have access to all aspects of the development. Why was his scope so narrow?

On Pg.16 Par.48 – He states, *"Without exception, the members of City Council advised me that Mr. Di Biase had no influence on them in respect of their decision-making related to the Development. Nothing that Mr. Di Biase said or did swayed their decisions one way or another."*

I refer to the narrow in camera 5-4 vote that went against staff's recommendation. What the residents take away from this statement is, the 5 Councillors were not influence by Mr. Di Biase, however this indicates that they willingly went against the recommendations of staff, which is even more troubling to residents.

C 2.3

On Pg.16 Par.49 - He states, *"Rather, the Councillors affirmed that they come to their own conclusions in respect of any given decision that is before them, including all decisions relating to the Development. In the case of planning matters such as the Development, the Councillors advised me that they typically receive information and recommendations from City planning staff. When an OMB appeal is at stake, Councillors also receive advice from City legal staff."*

This only reinforces the fact that there was more reason for Mr. Armstrong to interview Dawn Jubb and current council of Claudia Storto. Why were they not interviewed?

Pg.16 Par.51 – He states, *"In particular, I am satisfied that Mr. Di Biase's misrepresentation of the TRCA's position to City Council (as found in the IC Report) did not influence any members of City Council. Based on the information provided to me by multiple interviewees, it is clear that members of City Council did not rely on Mr. Di Biase for their information as to what the TRCA's position was in respect of any given development project."*

Mr. Armstrong is satisfied that Mr. DiBiase did misrepresent the TRCA's position to Council. I find it difficult that a Councillor would be willing admit that he or she has been influenced. This would obviously expose a Councillor to a great degree of incompetence. To expect an admission is wishful thinking.

Pg.17 Par.53 – He states, *"The Commissioner found that this was a misrepresentation of the City's position. Accepting that finding, I am nevertheless satisfied that any member of Council would have known that it was a misrepresentation, because Mr. Di Biase's fellow Councillors would have understood whether the City's hands were actually tied or not. As such, it is highly unlikely that other members of City Council would have been influenced in this manner."*

We know that the scope of the investigation was if Michael DiBiase influenced Council, nevertheless this statement misleads the residents. This was basically Michael Dibiase's attempt to take the resident's focus off of the City Councillors and point blame to the TRCA. The residents now know that the TRCA is just an advisory board to the City of Vaughan.

Pg.17 Par.54 - He states, *"According to the information provided to me by TRCA officials, the TRCA was surprised to learn about City Council's decision made during the June 23, 2015 in camera meeting to co-operate with the Owner in respect of the First OMB Appeal."*

This statement further proves that Council made the wrong decision. Council now has two separate advisory boards telling them that they made the wrong decision to settle.

Pg.20 Par.64 - He states, *"City Council's reasons for voting this way in the face of significant public opposition are again, varied. Some Councillors who opposed the initial decision to approve the Settlement in June 2015 ultimately voted in favour of proceeding with the Development in February 2017. They did so not because of a lack of public opposition, but rather because they viewed that the "ship had sailed" with the OMB's decision on the First OMB Appeal. With the Property having been re-designated by the OMB in the Official Plan, it only made sense to defer to planning staff's recommendations to bring the draft plan of subdivision and zoning by-law in line with the Official Plan. As indicated above, the planning staff report that was approved by City Council in February 2017 contains a lengthy list of technical and environmental conditions that must be satisfied by the Owner."*

C 2.4

Council voted 8-1 to adopt the report by the planning department. The planning staff was directed (forced) by Council to put together a report that supported the development. To state that the "ship has sailed" is a cop out. Of course the "ship has sailed", Council didn't "tie the Ship to the dock." Council failed the first time around with the in camera vote on the first appeal.

This report only reaffirms that the attempt was there on the part of Micheal Di Biase to influence. If other Councillors stated that they were not influenced they must admit that they recognized that he was attempting to. My question is why other Councillors did not report this disturbing event?

The residents also want to state for the record that this report does not exonerate Michael Di Biase in any way. The residents hope that Council will not try to spin this report in his favour. We also want to note that as much as we want to appreciate Mr. Armstrong's effort putting this report forward, we must note that he too admitted that his scope was very narrow. With that said he was unable to fulfill the task at hand.

Lastly, I hope all the parties involved; Councillors, Staff, TRCA and residents can learn from this and let the supporting staff that council has at their disposal to do their jobs. Take the advice given to them and lead this forward thinking City that we call home to a better place.

Respectfully,

Furio Liberatore

The Friends Of Grand Trunk Ravine.

Britto, John

From: Furio Liberatore <[REDACTED]>
Sent: Sunday, February 4, 2018 6:58 PM
To: Racco, Sandra
Cc: Carella, Tony; DeFrancesca, Rosanna; Iafrate, Marilyn; Ferri, Mario; Bevilacqua, Maurizio; McEwan, Barbara; Shefman, Alan; Rosati, Gino; Singh, Sunder; Clerks@vaughan.ca; Noor Javed; Tim Kelly; Craig, Suzanne; David Donnelly
Subject: February 6, Committee of the Whole Re: Armstrong Report
Attachments: February 6 Committee of the Whole Armstrong Report1.pdf

Hello Councillor Yueng Racco,

Please see the attached and accept this letter that explains our thoughts of the Armstrong Report. The residents group express concerns and questions that we drew from this report.

We are requesting that you as our Councillor will pose questions on our behalf that you will find in our letter.

Thanking you in advance for your help.

Furio Liberatore p: [REDACTED] e: [REDACTED]