Tuesday February 6, 2018

Mayor, Members of Council and City Manager

I have taken the opportunity to review the report compiled by the former Ontario Court of Appeals Justice, Honourable Robert P. Armstrong regarding the issue of Mr. Di Biase's influence as it pertains to 230 Grand Trunk. Since I will not be able to attend the February 6 Committee of the Whole meeting in person, I have compiled a list of questions and concerns that I would like addressed at the meeting.

My involvement and interest in 230 Grand Trunk spans several years and I have previously provided Council with my concerns with respect to the 230 Grand Trunk development, by way of letters and deputations. I have also provided material to the Integrity Commissioner that I believed were relevant to the Integrity Commissioner's investigation on the same subject matter.

Question 1:

During the course of the Integrity Commissioner's investigation, I personally provided material and information regarding 230 Grand Trunk that I believed was relevant to the Integrity Commissioner's investigation. I believe that the Integrity Commissioner considered, referred to and relied upon that material during the course of her investigation and for her report. It is not clear from the report whether or not Mr. Armstrong had access to that material or any of the Integrity Commissioner's evidence during the course of Mr. Armstrong's investigation.

- Can council please confirm through Mr. Armstrong or through the Integrity Commissioner whether or not Mr. Armstrong was given direct access to the Integrity Commissioner's evidence and whether or not that evidence was used by Mr. Armstrong in his investigation?

Question 2:

Mr. Armstrong's report lists several individuals that he interviewed during the course of his investigation. The City of Vaughan had assigned a lawyer to the 230 Grand Trunk file, however I do not see any indication that the lawyer was on Mr. Armstrong's list of people interviewed. The individual in question would have been intimately involved with the 230 Grand Trunk file and no doubt would have had material knowledge of how the file was being managed.

- Can Council please confirm whether or not the City of Vaughan solicitor was interviewed and whether or not her input was used by Mr. Armstrong in his report and did Mr. Armstrong possibly interview the lawyer in question on the basis of anonymity?

Concern 1:

The questions that I have posed in this email form the basis of my concerns. If Mr. Armstrong did not see or review any of the Integrity Commissioner's evidence and if the City of Vaughan lawyer assigned to 230 Grand Trunk was not interviewed by Mr. Armstrong then I would have to conclude that the value of Mr. Armstrong's report is limited and it raises concerns regarding lack of substance and completeness.

Furthermore, if the Integrity Commissioner's evidence was not used and the City of Vaughan lawyer was not interviewed by Mr. Armstrong, it would also indicate that the Integrity Commissioner's report is based on information that is much broader and much more in depth than Mr. Armstrong's report. In short, I am concerned that Mr. Armstrong's report is not based on all the available evidence and testimony. If this is the case then logically Mr. Armstrong's report cannot carry the same weight as the Integrity Commissioner's report.

Concern 2:

Mr. Armstrong states that Members of Council approved the 230 Grand Trunk settlement **"against the recommendations of City of Vaughan's planning staff".** This is a very small, but very important detail that residents of Grand Trunk have been seeking the answer to. The question as to what city planning staff's position with respect to 230 Grand Trunk was has now been answered.

In effect, those Members of Council who voted against the recommendations of staff and also against the wishes of the Grand Trunk area residents, made a political decision rather than a decision based on professional planning recommendations. My concern here is that if Members of Council did not vote in the interest of proper planning advice and did not vote in the interest of the local residents, then in whose interest did they make their decision?

Concern 3:

Based on the interviews that Mr. Armstrong held with Members of Council, Mr. Armstrong states that Members of Council claimed that they were not influenced by Mr. Di Biase's in any way. This raises concerns that those Members of Council who voted in favor of the settlement, along with Mr. DiBiase and against the recommendations of planning staff, did so willingly and were fully aware that the implications of their vote would cause harm to the Grand Trunk local area residents in the form of lost green space, home equity and eventually a potential costly legal fight at the Ontario Municipal Board. My concern with this is that perhaps rather than being influenced by Mr. Di Biase, were those Members of Council who voted in favor of the settlement acting willingly with Mr. Di Biase?

Sincerely
Richard T. Lorello