

Britto, John

C <u>4</u>
COMMUNICATION
SP. CW - <u>JUNE 27/17</u>
ITEM - <u>1</u>

From: McEwan, Barbara
Sent: Tuesday, June 27, 2017 8:11 AM
To: Coles, Todd; Britto, John
Subject: Fw: Code of Conduct Complaint #110115(f) Investigation Final Report in respect of former Regional Councillor/Deputy Mayor Michael Di Biase

Please process as a communication for this mornings meeting

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Michael Di Biase <dibiasem@outlook.com>
Sent: Tuesday, June 27, 2017 12:48 AM
To: McEwan, Barbara; Clerks@vaughan.ca
Cc: Bevilacqua, Maurizio; Iafrate, Marilyn; Carella, Tony; Racco, Sandra; DeFrancesca, Rosanna; Shefman, Alan; Rosati, Gino; Ferri, Mario; Craig, Suzanne
Subject: Code of Conduct Complaint #110115(f) Investigation Final Report in respect of former Regional Councillor/Deputy Mayor Michael Di Biase

Good morning Ms. McEwan,

I would respectfully request that this written deputation be attached to the Integrity Commissioner's Memorandum, Communication C1, dated January 27, 2017 as part of the Special Council meeting on June 27, 2017 at 9:30 a.m..

In reading the Integrity Commissioner final report I was disappointed that none of the information I provided on June 13th, 2017 was taken into consideration prior to finalizing the report. I also do not understand why the City would not allow the Integrity Commissioner to use the information in their possession since Procedural Fairness requires that the Integrity Commissioner be permitted to consider information subject to any privacy or confidentiality measure that can be taken to restrict the dissemination of information. This is also fundamental to the Integrity Commissioner's ability to arrive at the truth.

In the background section of the interim report, the Integrity Commissioner noted a few dates of specific meetings and decisions, however, I took the liberty to complete the timelines and provided the meetings and decisions that were omitted from the interim report. These omissions are crucial in proving that I had no influence in the outcome of this matter.

The information contained in those e-mails (which are in the City's possession) clearly shows, without doubt, that a settlement was reached between the City and TRCA as early as September 30, 2015. In addition, the details of both settlements (TRCA and City) were presented to the Ontario Municipal Board on October 14, 2015 and the Board rendered a decision on March 9, 2016. Therefore, I'm very confused as to why the Integrity Commissioner stated in the final report that "the TRCA letter dated June 8, 2016 indicated that the TRCA continued to oppose the Owner's OMB appeal but was working towards a settlement to address the outstanding environmental concerns about the development". Clearly as evidenced by the OMB decision of March 9, 2016, the OMB approved the proposed modifications by the developer without amendments. I'm also puzzled that the Integrity Commissioner also noted that TRCA was the only party at the OMB hearing without support from its Municipal partners. This is incorrect as evidenced at the OMB hearing.

The information noted above can easily be validated by the Integrity Commissioner by obtaining copies/correspondence from the City. The detail timelines will demonstrate that when I stated that "the City's hands were tied" at the May 2, 2016 public meeting, I was indeed referring to the fact that the OMB had dictated the land use, that is residential subject to further studies, on the subject lands. In addition, on May 2, 2016 public meeting, the hearing was finished and the OMB decision was to approve the proposed modifications by the developer without amendments. This is confirmed by

the Integrity Commissioner in her final report. In addition, the City and TRCA had already agreed to settlement terms with the developer as early as September 30, 2015. Therefore the Integrity Commissioner's representation of the TRCA on June 8, 2016 letter is incorrect as they could NOT continue to oppose the owner's first appeal since they had reached a settlement on September 30, 2015 with the developer/owner, and secondly the OMB had rendered a decision on March 9, 2016 in support of the owner/developer.

In addition, my alleged comments could not have been made in reference to a second OMB appeal as concluded by the Integrity Commissioner in her final report since that 2nd appeal was filed by the land owner/developer in October/November 2016. The appeal was filed several months after the May 2, 2016 and June 8, 2016 meeting. I could not have influenced an appeal that was filed several months after both meetings. As noted above, once again, the OMB hearing and decision in January 2018 will ultimately dictate the Zoning on the subject lands, not the TRCA nor the City.

Michael Di Biase