

July 16th, 2024



Planning and Environment Committee
City of London
P.O. Box 5035
300 Dufferin Avenue, 6th Floor
London, ON N6A 4L9

Via e-mail pec@london.ca

Our File #: 12-841

Attention: Chair and Committee Members

Reference: **City File: 39T-16509/Z-8720**
Applicant: Sifton Properties Limited
3614, 3630 Colonel Talbot Road and 6621 Pack Road
Applications for Draft Plan of Subdivision and Zoning By-Law Amendment

Monteith Brown Planning Consultants (“MBPC”) are the land use planners for Sifton Properties Limited, the owners of the above noted lands (“Subject Property”). We are writing in response to a letter addressed to the Committee by Raivo Uukkivi of Cassels Brock & Blackwell LLP (“Cassels”) dated July 5, 2024, on behalf his client, Christine Flaherty, owner of 10 acres of land located at 6499 Park Road which about our client’s lands noted above. We believe this to be a typographical error as a review of Property Information confirms that Christine Flaherty is the registered owner of 6499 Pack Road (“6499”) which does about the Subject Property to the north.

In their letter, Cassels suggests that the above referenced applications (“Applications”) erroneously identify their clients lands as being located north and west of our clients’ lands. As illustrated on the attached Appendix 1, 6499 is located north and east of the portion of Subject Property to which the Applications apply. Cassels also suggests that 6499 is depicted by my client as being within the limits of the above referenced draft plan of subdivision. This is also incorrect, as illustrated on the attached Appendix 1 which includes the certified version of the proposed Draft Plan of Subdivision. While 6499 is illustrated on the plan, it is provided as contextual information as an abutting parcel of land, similar to that of all other abutting parcels that have been illustrated for context consistent with the requirements of the *Planning Act*.

It is correct that the EIS in support of the Applications written by NRSI identified numerous natural heritage features and functions on 6499. NRSI confirms, as is standard practice, that all site observations were made from the property line without direct access to 6499. Only once did an NRSI biologist access 6499, which was done with the owner's permission, which was received on September 21, 2023. An NRSI biologist accessed the property on September 23, 2023 to undertake

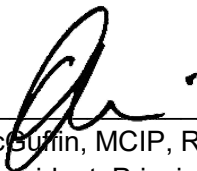
a health assessment on the one Butternut tree present within 6499, and was accompanied by the property owner. Results of the Butternut Health Assessment were subsequently provided to the property owner on September 29, 2023 via the email address that she had provided.

Environmental Impact Studies are required to assess anticipated impacts of development on adjacent lands (Provincial Policy Statement Policy (“PPS”) 2.1.8), which are generally defined as 120m from the area of proposed development (guidance provided in the Natural Heritage Reference Manual, OMNR 2010, Section 4.4, see especially Table 4-2). The 6499 lies within the adjacent lands of the Subject Property and therefore had to be considered in the EIS. The natural heritage features and functions on 6499 are required to be protected from impacts due to the proposed development of the Subject Property consistent with the PPS.

We trust that this information is satisfactory to clarify and resolve the concerns expressed by Christine Flaherty through her solicitor. Should you have any questions or concerns in relation to this matter, please do not hesitate to contact me directly.

Respectfully submitted,

MONTEITH BROWN PLANNING CONSULTANTS



Jay McGuffin, MCIP, RPP
Vice President, Principal Planner
jmcguffin@mbpc.ca

enc./

copies: Bruce Page, Manager, Subdivision Planning, City of London
Alison Curtis, Planner, Subdivision Planning, City of London
Phil Masschelein, Senior Vice President, Sifton Properties Limited
Devon Posthumus, Sifton Properties Limited
Katharina Richter, Natural Resource Solutions Inc.
Patrick Deacon, Natural Resource Solutions Inc.

APPENDIX 1

DRAFT PLAN OF SUBDIVISION PART LOT 75, EAST OF THE NORTH BRANCH OF THE TALBOT ROAD (Geographic Township of Westminster) CITY OF LONDON



KEY PLAN
N.T.S.

OWNER'S CERTIFICATE

I hereby consent to the filing of this Plan in Draft Form.

Richard Sifton Nov 6 / 2023
Richard Sifton President & CEO Date

Philip R. Masschelein Nov. 6 / 2023
Philip R. Masschelein Senior Vice President Neighborhood Developments Date

SURVEYOR'S CERTIFICATE

I hereby certify that the boundary of the lands to be subdivided as shown on this plan and their relationship to the adjacent lands are accurately and correctly shown.

Robert Wood, O.L.S. Oct 26 / 2023
Robert Wood, O.L.S. Archibald, Gray & McKay Ltd. Date

REQUIREMENTS UNDER SECTION 51 (17) OF THE PLANNING ACT, 1990

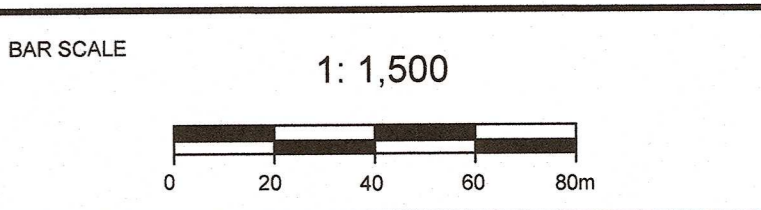
a) as shown on plan	g) as shown on plan
b) as shown on plan	h) municipal water
c) as shown on key plan	i) silt, sand and silt clay
d) as shown on land use schedule	j) as shown on plan
e) as shown on plan	k) municipal sewers
f) as shown on plan	l) as shown on plan

LAND USE SCHEDULE		
LAND USE	AREA in Ha	PERCENTAGE
SINGLE DETACHED LOTS 1 to 12	0.49	5.1
MEDIUM DENSITY BLOCKS 13 to 17	4.42	46.3
PARKLAND BLOCKS 18	0.82	8.6
POTENTIAL SCHOOL BLOCK / MEDIUM DENSITY RESIDENTIAL, BLOCK 19	2.06	21.6
FUTURE DEVELOPMENT BLOCK 20	0.06	0.6
ROADS, ROAD WIDENING AND RESERVES BOCKS 21 to 26	1.70	17.8
TOTAL SITE AREA	9.55	100.0

No.	Revision	Date	Initial
1	Create school block and MF blocks	09/23	DCP

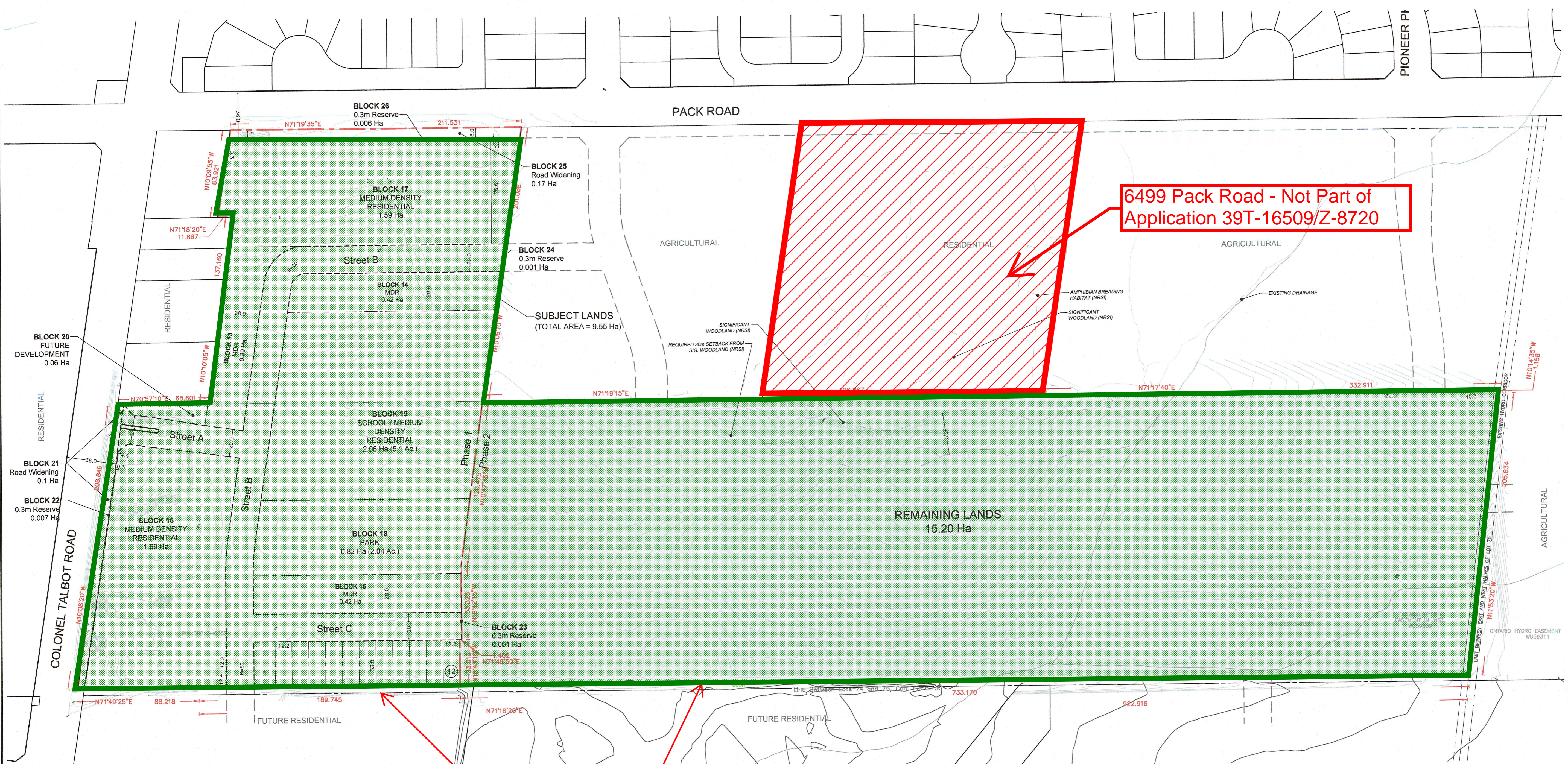
CLIENT

Experience. The Difference.™



ADDRESS
**HUDSON PARK SUBDIVISION
LONDON, ONTARIO
3614 COLONEL TALBOT ROAD**

DRAWN BY: DCP	CHECKED BY: LC/PM	PROJECT No.:
DESIGNED BY: DCP	APPROVED BY: PM	DRAWING No. 1
SCALE: on 24x36 1:1,500	DATE: October 25, 2023	



Sifton Properties Limited Lands
Subject to Applications
3614, 3630 Colonel Talbot
Road and 6621 Pack Road

Cassels

July 5, 2024

By Email: pec@london.ca

Planning and Environment Committee
City of London
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tel: +1 416 860 6613
file #60613-1

To the Chair and Committee Members:

**Re: File: 39T-16509/Z-8720
Sifton Properties Limited
3614, 3630 Colonel Talbot Road and 6621 Pack Road, London**

We are the lawyers for Christine Flaherty, the owner of 6499 Park Road in the City of London (the “Flaherty Lands”). We are writing on behalf of our client to object to the rezoning a draft plan of subdivision application filed on behalf of Sifton Properties Limited for 3614 & 3630 Colonel Talbot Road and 6621 Pack Road London (the “Subject Property”).

The Flaherty Lands are a 10 acre parcel directly adjacent to the north and west of the Subject Property. While in proximity to the Subject Property, the Flaherty Lands are under separate ownership from the Subject Property. Despite the separate interests in the Flaherty Lands and the Subject Property, the Applicant has depicted the Flaherty Lands within its draft Plan of Subdivision.


From review of the accompanying Environmental Impact Study by Natural Resource Solutions Inc dated February 2024 (the “EIS”), it is our client’s understanding that the applicant has indicated the presence of Colonially-Nesting Bird Breeding Habitat, Amphibian Breeding Habitat and Significant Woodland on the Flaherty Lands. No permission was provided to conduct the EIS on the Flaherty Lands and any findings made within the EIS have been obtained by way of trespass. As such, certain details, such as the fact that Pond C/Wetland D (as they are so called in the EIS) are manmade structures.

As per Map 5 to the London Plan, approved by the Ministry of Municipal Affairs and Housing on December 28, 2016, there is no Significant Woodland or other Natural Heritage Features on the Flaherty Lands (see Appendix A). Map 5 is correct and the determination of the existence of Natural Heritage Features is in error. As such, this indication in both the Draft Plan of Subdivision submitted by the Applicant and the EIS is incorrect and should be removed.

It is the request of our client to have this corrected in any final plan of subdivision approved by the City. We request further notice of these applications as they are considered for approval. Notices can be provided to the undersigned. These findings have a significant and improper impact on our client's lands.

Yours truly,

Cassels Brock & Blackwell LLP

A handwritten signature in blue ink, appearing to be 'RU', with a long horizontal line extending to the right.

Raivo Uukkivi
Partner

RU/JE

cc: Jennifer Evola, Counsel (jevola@cassels.com)
Alison Curtis, City of London Planning & Development (acurtis@london.ca)
Anna Hopkins, Ward Councillor, (ahopkins@london.ca)

APPENDIX "A"

Map 5 to London Plan (Approximate location of Flaherty Lands indicated by red star)



LEGEND

NATURAL HERITAGE SYSTEM

- | | |
|-----------------------------------|--|
| Provincially Significant Wetlands | Areas of Natural and Scientific Interest |
| Wetlands | Environmentally Significant Areas (ESA) |
| Unevaluated Wetlands | Potential ESAs |
| Significant Woodlands | Upland Corridors |
| Woodlands | Potential Naturalization Areas |
| Significant Valleylands | Unevaluated Vegetation Patches |
| Valleylands | |

BASE MAP FEATURES

- | | |
|-----------------------|---------------------------------|
| Streets (See Map 3) | Water Bodies |
| Railways | Conservation Authority Boundary |
| Urban Growth Boundary | Subwatershed Boundary |
| Water Courses/Ponds | Subwatershed Name |