

1597 Gloucester Road
London, Ontario N6G 2S5

April 19, 2018

London City Council
London City Hall
300 Dufferin Avenue
London, Ontario N6B 1Z2

Dear Councillors

RE: Conservation Master Plan (CMP) – Medway Valley Heritage Forest ESA South

We are the owners of 1597 Gloucester Road, one of the homes immediately adjacent to the A11 Access to the Medway Valley Heritage Forest. We have lived in homes backing onto the Medway Valley since 1985 and have watched the steady decline of the valley ecology during that time span. We wish to express our thoughts with respect to the CMP and the manner in which it has been imposed on the residents of Medway Heights.

1. Duty to Act Fairly

During the entire public consultation portion of this process, the A11 Access Point was shown as a Level 1 trail as was the trail partially located over the existing utility overlay. As of November 14th, 2017, the Environment & Park Planning (E&PP), by memo to the Accessibility Advisory Committee (ACCAC) indicated that based on the E&PP and Dillon Consulting Ltd. reviews:

- (a) "45% of the trails on the proposed sustainable trail concept plan in the October 2017 CMP are fully accessible Level 2 or Level 3 trails; and
- (b) due to ecological sensitivity and/or topographical restraints, the rest of the existing trails must remain natural surface Level 1 trails consistent with the guidelines and exceptions for the protection of natural heritage values and ecological integrity provided under the AODA".

Notwithstanding the forgoing, in response to written comments made by a ACCAC on January 9th, 2018 requesting additional changes to the CMP, including the elevation of the A11 and utility overlay trail to Level 2 and the installation of a bridge at Point D, without public consultation or notice to Medway Heights residents, the CMP was amended to reflect the above demands. Due to the complete and rapid about face on the part of E&PP and the lack of public notice, we believe this decision was made without seriously considering the ecological effects, or the safety issues inherent in this change in a misguided effort to complete the process. The residents of Medway Heights were not provided with notice of the changes or sufficient time to assess these changes, hire counsel if deemed necessary or otherwise deal with this issue. This course of action on the part of E&PP and the

City of London constitutes a breach of your respective duties to act fairly – a denial of natural justice.

2. Preservation of the Environment Overrides Accessibility Issues

The regulations to the Accessibility for Ontarians with Disabilities Act, 2005, provide that accessibility is secondary where:

“there is a significant risk that the requirements, or some of them, would adversely affect water, fish, wildlife, plants, invertebrates, species at risk, ecological integrity or natural heritage values, whether the adverse effects are direct or indirect”; or

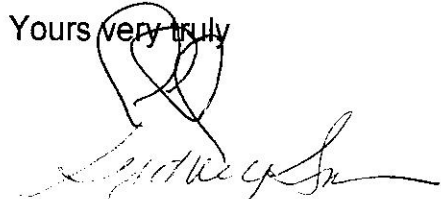
“is not practicable to comply with the requirements or some of them because existing physical or site constraints prohibit modifications or additions of elements, spaces or features such as where surrounding rocks bordering on the recreational trail or beach access route impede achieving the required clear width”.

We believe that the A11 Access and the utility overlay trail should remain as Level 1 trails based on the above legislation and the following facts:

- (1) The proposed Level 2 trails at these points are only partially located on the utility overlay. The entire A11 Access to the utility overlay (top of bank to floor of valley) and parts of the proposed overlay trail are not located on the utility overlay.
- (2) Significant portions of the valley were decimated by the installation of a utility corridor in the late 1980's. The valley has continued to decline since that date. The installation of the proposed hard surface trails and the human use of same, will significantly reduce the natural reforestation process and exacerbate the deterioration of the valley ecology.
- (3) The proposed installation of a bridge at Point D, which bridge we now understand would have a span of approximately 25 metres, would in effect create a pedestrian and bicycle highway into the valley and no doubt, lead to the further deterioration of the integrity of the valley ecology by both overuse and improper use. We also understand that the cost of installing the bridge is significant.
- (4) Have funds been budgeted for the implementation of the CMP and has a business plan been presented in this regard? Are you aware of the real costs of implementing the plan? We do not believe a decision should be made until actual costs are known and found to be reasonable.
- (5) There is a 23 foot drop between the middle of our property and the rear lot line. The A11 Access continues to drop significantly from that point. The A11 Access is not safe for use by people with a disability due to the steepness of the slope and for this reason should not be converted from a Level 1 to a Level 2 trail.

The "Guiding Principles" as stated in the CMP with respect to decisions to be made clearly indicate that ecological integrity and ecosystem health of the ESA have priority over the design and implementation of any trail system. It appears that the primary objective of the CMP has been ignored in an attempt to complete the CMP without full disclosure to, or consultation with, the public to the detriment of both the ecology of the valley and the property owners adjacent thereto. We respectfully request that you cast a negative vote with respect to the CMP at the Council Meeting to be held on Tuesday, April 24th, 2018.

Yours very truly



George E. Sinker
Sydney P. Sinker

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