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October 20, 2021

City of Stratford Planning and Heritage Committee
c/o Tatiana Dafoe, City Clerk
City Clerk's Office
City of Stratford
1 Wellington Street
Stratford ON N5A 6W1

Dear Sir/Madam

Re: 370-396 Ontario Street – Chancery Development Proposal

PROCEDURAL FAIRNESS AND NATURAL JUSTICE FAILURE

All statutory decision-makers, including the City of Stratford, must afford those who come before it and are affected by its decision-making “procedural fairness” and “natural justice”. This is a legal duty.

I appeared before you on behalf of Robert Ritz and the broader community he represents (September 27, 2021). You heard my delegation. You referred your decision on the Chancery Development Proposal “to staff to have a conversation with the applicant to determine if they’re amendable [sic] to reducing building heights”.

I learned from the community, not the City, that this matter was put on the Planning and Heritage Community Agenda for October 25, 2021. I am not available to attend given other scheduled matters.

The City knows my client has an interest in this matter. Notwithstanding, the City scheduled the return of its decision-making without consulting me and then, without informing me of the date. I am aware that other delegates at the September 27, 2021 Committee Meeting expressly asked that the matter not be scheduled for October 25, 2021 for differing reasons. There is no doubt in my mind that the City consulted the Chancery Development team to ensure their availability for October 25, 2021.

But most egregiously, the City has never provided me with the results of the “conversation”. The community has referred me to a link on the City’s website. Given the apparent rush to decision-making in this case, I have not had an opportunity to review the contents of the link nor have I had an opportunity to discuss it with my client.

The City's conduct falls well short of its legal duty to afford those that come before it and are affected by its decision-making "procedural fairness" and "natural justice". This is a serious legal failure.

MY ASK

My client and the community want development at this site. They will embrace and support a development proposal that has:

- No Official Plan Amendment
- No apartments
- Medium residential density (65 units/ha)
- Dwelling type as per R3 Zone
- Maximum 10m height

The *Planning Act* contains a mechanism to address the situation you face:

Use of dispute resolution techniques

34(11.0.0.1) If an application for an amendment is refused as described in subsection (11) and a notice of appeal is filed under that subsection, the council may use mediation, conciliation or other dispute resolution techniques to attempt to resolve the dispute.

Notice and invitation

(11.0.0.2) If the council decides to act under subsection (11.0.0.1),

- (a) it shall give a notice of its intention to use dispute resolution techniques to all the appellants; and
- (b) it shall give an invitation to participate in the dispute resolution process to,
 - (i) as many of the appellants as the council considers appropriate,
 - (ii) the applicant, if the applicant is not an appellant, and
 - (iii) any other persons or public bodies that the council considers appropriate.

Extension of time

(11.0.0.3) When the council gives a notice under clause (11.0.0.2) (a), the 15-day period mentioned in clause (23) (b) is extended to 75 days.

Participation voluntary

(11.0.0.4) Participation in the dispute resolution process by the persons and public bodies who receive invitations under clause (11.0.0.2) (b) is voluntary.

To facilitate the meaningful involvement of the community in a development opportunity they support, I ask you to:

1. Deny the application;
2. Upon receiving the proponent's appeal under Section 34(11), give Notice of your intention to use dispute resolution techniques to the appellant and all those who have written letters or delegated before you in this matter.

In the event you do choose to approve the Chancery Development Proposal, because my client and the community have had no meaningful opportunities for input, my instructions are to appeal. The foregoing statutory dispute resolution path is not available to you if you approve the application.

Yours truly,



Nancy Smith
ns/l

cc. Alyssa Bridge, Planner

