

RECEIVED VIA EMAIL

From: Vic Vandergust [<mailto:vic@vandergustlaw.com>]

Sent: January-14-17 10:19 AM

To: Corrina Giles <cgiles@thebluemountains.ca>

Subject: PEAKS BAY Jan 9/17 report PDS.17.10

REQUEST OF COUNCIL:

I have just become aware of the presentation of this report. I am somewhat surprised I was not advised given my earlier requests of the Town in respect of Block 29 and I had been advised that I would be notified of matters as they progressed. Upon discovering this report on yesterday I emailed Michael Benner to immediately seek a meeting. It is my request that you copy Council and ask this matter be deferred until I can become informed and make a advised position as I am the owner of Lot [REDACTED] which is across from Block 29 and abuts Block 33. I have immediate concerns that may be answered in our meeting but given I just learned of this my concerns are:

1. A lack of due process proposing to change an agreement upon which homes have been built base on an OMB approved development.
2. Deletion of the noise barrier for Peaks Bay East which exceeds Provincial levels. Traffic is ever increasing and at night often there a large military vehicles and trucks that are quite loud. Please note that noise travel beyond the abutting highway lots and is more noticeable now than when the subdivision was approved due to the oft mentioned tornado removed of trees.
3. The ditch on Block 39 is not yet to the approved specifications and has not been properly completed with sod.
4. Re-conveyance of the Block 33 has had no consultation me abutting home owners and I do not believe it is lawful to re-convey to the Developer for this nebulous undescribed plan to re-configure lots. I have seen no such re-configuration Plan. Further our home was designed based on this open space which provides unencumbered building spaces to our rear and makes building set back within existing lots. We use the open space to walk dogs regularly. It goes west through a large space, preserve vegetation and is a buffer between lots as designed and approved by the OMB. This is not a Green field development but one where these designs and configurations an registered and approved and homes have been built based upon same. This open space also goes into and ought to connect into Peaks Bay West. The dead , damaged trees are mostly gone or fallen; anything of danger can easily be cleaned up as was done in the Delphi Park. OPEN SPACE is a valid planning principle and recognized in your planning documents. An ideal trail path should be retained. There are significant legal issues as well in terms of the Planning Act as the Developer cannot re-parcel lands on his own, nor in his discretion. It would need severances or deeming bylaws and trigger my right to legal due process which I would rather avoid if allowed to be fully advised by staff.

Kindly therefore defer action on this report until I have had a chance to become informed and meet with staff and be in a fair position to make a presentation if need be on these issues. Having just heard of this yesterday if the matter need to appear before Council I seek notice of same and an opportunity to be heard. May I have confirmation of receipt and your advice.
Thanks/

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