

FAQ Regarding Project EQUUS

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MORE INFORMATION: www.EquusPortPerry.com

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JUNE 24 COUNCIL MEETING QUESTIONS & ANSWERS			
ITEM	QUESTIONS	ANSWERS ON JUNE 24	FACTS & FURTHER RESPONSE
1	Why is MZO being requested?	<p>David Medhurst’s answer for the Proponent in this section (Q 1 - Q10)</p> <ul style="list-style-type: none"> - MZO is to settle the issue of what kind and the number of units that can be built. - MZO takes away the appeal process associated with the Ontario Land Tribunal (OLT). - Avenu is not asking for special consideration, nor asking to waive or lift any dispensation from any environmental study, or license approval from the Provincial government or authority. We are not asking for any approval on environmental. - Avenu is asking the Township of Scugog to ask for a Minister’s order for the size of the project. 	<ul style="list-style-type: none"> - MZO is a tool available to municipalities to reduce Red Tape and accelerate housing. - Empowers municipalities and is used by many municipalities to accelerate needed and wanted housing projects. - Part of Provincial Objectives “Cut Red-Tape To Build More Homes Built Faster Act” to help deliver 1.5 new homes by 2031. - The Proponent is looking to develop a ‘first-of-kind’ model community designed on principles of accessibility and integrated sustainable technologies. - Scugog needs multi-unit housing, proceeding with certainty in an accelerated manner is necessary.
2	What will be the next steps?	<ul style="list-style-type: none"> - Finalizing the project parameters MZO briefing report with necessary updates and will be submitted to Hon. Minister Paul Calandra for the consideration of the Order. Planning staff and advisors of the Ministry of Housing and Affairs will do their own due diligence and consider the request within their consideration framework. 	<ul style="list-style-type: none"> - Scugog will make the request to the Minister. - Minister makes own decision based on own assessment. - Minister may ask for additional information or studies at his discretion.
3	Will public consultation be needed?	<ul style="list-style-type: none"> - The Minister can attach any condition to the approval, for example: if they feel there is a need to have public consultation, the approval might come with the requirement of a public meeting. 	<ul style="list-style-type: none"> - Scugog will have had 3 meetings at Council/ Committee with public input. - Minister can impose conditions as the Minister wants, including further consultation. - Equus has undertaken exclusive consultation.
4	Will there be approval and review process to be done by local municipality?	<ul style="list-style-type: none"> - Yes. All the approvals still needed to be granted by the local municipality. 	<ul style="list-style-type: none"> - Detailed site level be approvals follow in normal course. - See MZO Flow Chart Appendix 1 page 19.
5	Will the motion of tonight’s meeting give carte blanche to the start of the Project?	<ul style="list-style-type: none"> - No. It’s not carte blanche. 	<ul style="list-style-type: none"> - Detailed site level approvals will follow. Conditions may be applied. See MZO Flow Chart Appendix1.

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6	<p>Can Scugog Council make the final decision on whether to allow the development even after an MZO is granted?</p>	<ul style="list-style-type: none"> - Yes, but not on density. 	<ul style="list-style-type: none"> - Zoning will establish scale of development. - Detailed site level approvals are required before building permit. - See MZO Flow Chart Appendix1.
7	<p>If the Council voted yes, does MZO give the ability to appeal and increase density?</p>	<ul style="list-style-type: none"> - Not to our knowledge. - If the minister gives the MZO, it sets the density and the type of housing and it's not appealable. Avenu cannot change within these frameworks. 	<ul style="list-style-type: none"> - Only the Minister has the power to vary. - Requires new MZO from Council. - AVENU is asking the Township of Scugog to lead the MZO request. MZO is a municipal tool and Township can stipulate to Minister to approve what is regulated in the Motion request.
8	<p>Why need for the MZO?</p>	<ul style="list-style-type: none"> - AVENU is not asking for relief from other approvals or asking for more than what can be permitted. - The ask for MZO is to get the parameters for servicing technology studies. 	<ul style="list-style-type: none"> - Cut Red Tape, Build More Homes Faster. - Permit wastewater treatment technology and water recycling, which requires accurate parameters for design; then all applications can be made for provincial environmental approvals and licenses. - Minister could determine Castle Harbour Dr as the sole access road.
9	<p>What if (“net-buildable”) area is less than anticipated?</p>	<ul style="list-style-type: none"> - If it is not buildable, the project cannot be built. 	<ul style="list-style-type: none"> - Project can be adjusted. - Site Plan Approval and other approvals will govern the extent of developable area and environmental limitations
10	<p>What is the minimum number of housing units to make the project feasible?</p>	<ul style="list-style-type: none"> - There is flexibility in the number of units as the project will go on for a long time, but the development will bring a new sewer system for the residents. 	<ul style="list-style-type: none"> - Project needs 490 units to make wastewater treatment technology viable and economically affordable to end-users.
<p>Delegations To Council</p>			
11	<p>Delegation</p>	<ul style="list-style-type: none"> - There was not sufficient time to look at the MZO request. - Doubts the capability of avenue properties to fast track the project through MZO. - Questions explicit permission of sewage system. 	<ul style="list-style-type: none"> - Project has been in discussion since fall 2022. - Site plan unchanged.

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12	Delegation	<ul style="list-style-type: none"> - The Mississaugas of Scugog Island First Nation (MSIFN), Lake Stewards and the local residents are opposed of the MZO. - Doubts AVENU can further financially without a MZO. - States that the sewage system would not be capable to handle the amount of wastewater for 582 units. 	<ul style="list-style-type: none"> - MSIFN have not communicated any formal decision. - Lakes Stewards have not communicated any formal decision. - MSIFN and Scugog Landing Resort own their own private wastewater treatment system. - Additional time for review and consolidation has now been granted with the deferral of Motion.
13	Delegation	<ul style="list-style-type: none"> - Request that the MZO of Avenu Properties not to be endorsed. - The new road and parking lot will damage wetland habitat and impact wildlife. 	<ul style="list-style-type: none"> - Natural heritage features will be further studied, and evaluated and limits defined before construction in consultation will KRCA. - There will be wetland enhancement and 8+ hectares of parkland. - No residential construction in any Provincially Significant Wetland (PSW).
14	Delegation	<ul style="list-style-type: none"> - Forming an ad hoc committee between AVENU properties and Scugog planning, conservation authority, Scugog Lake Stewards, Mississaugas of Scugog, and Castle Harbor neighborhood. 	<ul style="list-style-type: none"> - Good idea. AVENU is receptive. We will continue to consult and work with stakeholders through the subsequent approval process.
15	Delegation	<ul style="list-style-type: none"> - There has not been enough consultation with MSIFN. MZO should respect the opinions of the First Nations. 	<ul style="list-style-type: none"> - AVENU has made considerable efforts. Written outreach cannot mandate the involvement of responses.
Questions From Council Members Before Voting on MZO for EQUUS Project			
16	<p>What are the thoughts of planning staff? (ie. Kevin Heritage and Valarie Henry)</p>	<p>Kevin Heritage:</p> <ul style="list-style-type: none"> - Staff have not paid a lot of attention due to other priorities. One of the first-time staff appear and speak to Council that have not reviewed the materials. It's too premature to comment. 	<ul style="list-style-type: none"> - AVENU has been communicating with the Director of Development and Planning staff for more than 18 months. - Director of Development engaged in a multi-party strategy meeting on May 5, 2023 to examine the MZO option. Township of Scugog shared its experience with their previous MZO application for another development project, Port Perry Southbridge Long Term Care. - Key Stakeholder Meetings including with Durham Region on May 9, 2024 during which the project was discussed in important detail. - Pre-Application Consultation (PAC) was made July 2023, planning staff attended.

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		<ul style="list-style-type: none">- Meetings with former CAO, planning staff and AVENU on project matters some of formal scope and content.- As a result of CIHA Dec. 4, 2023 motion, technical feasibility reports provided to planning in advance as they become available prior to the September 2024 Council Meeting.- Planning staff have engaged with MHBC (external planners as planning advisors to Scugog Township) on the following dates:<ul style="list-style-type: none">o Dec. 7, 2023 Review project and planningo Dec 8, 2023 Review Background materialo Dec 11, 2023 Meet with Planning Staffo Dec. 18, 2023 MHBC Site Review on siteo Dec. 19. 2023 MHBC report to Kevin Heritageo Jan 2, 2024 MHBC status and review with Kevin Heritageo Jan. 4, 2024 MHBC report with Kevin Heritageo Jan. 8, 2024 CIHA discussions with Kevin Heritage & staffo Jan 30, 2024 Discussion with Kevin Heritage and with AVENUo April 22, 2024 Review strategy- At least \$3,761.88 in fees have been charged to AVENU (and paid by AVENU).- Director of Development attended a meeting with Durham Region with Regional Councillor Ian McDougall in attendance on May 9, 2024. Kevin Heritage confirmed potable water allocation is available.
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17	<p>Does the Minister consult with local Municipal staff on their comments during the consideration of an MZO request?</p>	<p>Kevin Heritage:</p> <ul style="list-style-type: none"> - Yes, they will consider local staff and do not make a decision in isolation. 	<ul style="list-style-type: none"> - Agreed. Minister will consider municipal requests and input and can undertake and request further engagement and participation of the local municipality at his discretion.
18	<p>Will local municipal staff share comments and opinions to Minister staff before yet shared with the Council?</p> <p>Will local planning staff provide a report to Scugog Council before providing it to the Minister?</p>	<p>Kevin Heritage:</p> <ul style="list-style-type: none"> - Depends on the request for information. - If it's a factual piece of information, it will be provided directly to Minister. If it's an opinion, that could be treated differently. - It's solely at the discretion of the Ministry and their staff. 	<ul style="list-style-type: none"> - Agreed. A complete record of materials will likely be included at the request of the Minister.
19	<p>Does the result of Scugog Council voting whether to endorse the MZO request influence the recommendation of the local planning staff in consideration of an MZO application?</p>	<p>Kevin Heritage:</p> <ul style="list-style-type: none"> - It will not prevent staff from providing an opinion in whether an MZO will be an appropriate action. 	<ul style="list-style-type: none"> - MZO request is utilizing a provincially provided tool. - It is an economic and development decision tool for municipalities based on Official Plan guidelines.
20	<p>Why haven't staff done any review or studies?</p> <p>Do studies have to come after an application?</p>	<p>Kevin Heritage:</p> <ul style="list-style-type: none"> - Local staff review or work typically come through a rezoning application. Studies are required to be submitted in conjunction with an application. Staff hold a pre consultation meeting and identify that requirement of the applicant when they are considering submitting an application. 	<ul style="list-style-type: none"> - An MZO is not like a typical planning application made at the municipal level. - Discussed at length on May 5, 2023 Meeting in context of MZO. - A PAC Meeting was held in July 2023 and a further pre-consultation meeting was held with Durham Region on May 9, 2024, until planning staff attended and confirmed water allocation from Scugog - Scugog staff have sought external advice from MHBC. - More detailed studies will follow the MZO for the Site Plan approval which will be a municipal responsibility.

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21	<p>Since staff have had meetings and discussions with the proponent, are requirements clarified to AVENU?</p> <p>What have been submitted be part of the local staff expectation?</p>	<p>Valerie Hendry:</p> <ul style="list-style-type: none"> - Staff have not reviewed anything therefore they cannot confirm. - Staff have outlined in the pre-consultation in summer 2023, the full environmental studies still to be undertaken, therefore it would not be a complete application. Planning department will still need the full studies to be considered as a full application for zoning bylaw. 	<ul style="list-style-type: none"> - Staff have had ample opportunity to review and make consultation with external parties. See Response in Item 16 (page 4 & 5). Reports were provided to staff as they became available in advance of the September 2024 Council meeting. - MZO is a tool for municipal planning application and approval process, the goal of the MZO is to deliver on provincial objectives: accessible housing, senior housing, and affordable housing, faster.
22	<p>Is the environmental study missing after a quick review of the submitted documentation?</p>	<p>Valerie Hendry:</p> <ul style="list-style-type: none"> - It's from the information from tonight (the addendum) and the quick review of the large book. 	<ul style="list-style-type: none"> - Agreed. Environmental Impact Study (EIS) (2017) has been provided. Previous Plan of Subdivision based on EIS provided in MZO Briefing. More detailed environmental work will follow through the site plan approval process at the local level with local appraisal. - Natural Heritage Feasibility Letter was provided in MZO Briefing (Addendum). - KRCA has provided an opinion letter 'no major concerns' dated June 7 2024, in MZO Briefing.
23	<p>Is it correct that MZO addresses only zoning of the site?</p> <p>It doesn't provide an approval for construction, downstream approvals, environmental approval and building permits?</p>	<p>Kevin Heritage:</p> <ul style="list-style-type: none"> - Yes, that's what on the website. 	<ul style="list-style-type: none"> - Agreed. All other approvals follow in due course.
24	<p>Can the public rest assured that even Council were to support the MZO, the approval and requirement will still remain within the local municipality?</p>	<p>Valerie Hendry:</p> <ul style="list-style-type: none"> - Site plan and subdivision are delegated to staff before coming to the Council for approval, but they do not require public meeting. - MZO outlines there is no public commenting or consultation available once it goes to the province. - There is a 30 day consultation window the Ministry makes it available on the environmental registry before a decision is made. 	<ul style="list-style-type: none"> - Agreed. See MZO Flow Chart. The Council can undertake further consultation on part of the Site Plan approval at their discretion. - Minister Housing and Affairs will provide a 30-day consultation window. - Council-mandated public engagement as part of CIHA requirements, AVENU held numerous meetings (see box below).

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<p>25</p>	<p>Is it correct that staff didn't hold a meeting because we didn't have an application?</p>	<p>Valerie Hendry:</p> <ul style="list-style-type: none"> - Correct. The planning staff understand from the request for CIHA application endorsed in Dec 2023, the council direction was that once an application was received and planning staff review documents including a planning justification with agencies, staff would host a public open house because it's not statutorily required for CIHA, and staff will make a recommendation before Council to make a decision whether they support the CIHA. - A similar process would happen perhaps with the MZO 	<ul style="list-style-type: none"> - Council passed a resolution on Dec 4, 2023 requiring public engagement and consultation. - CIHA was replaced by the Provincial government mid-process/ with MZO. - MZO does not formally require public meetings. - AVENU has hosted numerous meetings, including: <ul style="list-style-type: none"> o Public meeting (May 7), o Canterbury Common meeting (May 6) o Castle Harbour Meeting (April 30) o 5+ larger stakeholder meetings - Scugog can hold meetings at their discretion during the Site Plan review process to solicit public input on decisions.
<p>26</p>	<p>Planning department received the planning justification but did not hold a public meeting, is that correct?</p>	<p>Valerie Hendry:</p> <ul style="list-style-type: none"> - Yes. The planning department has not held a public information session for this request. 	<ul style="list-style-type: none"> - Agreed. Not required for MZO. - See prior answer. Numerous meetings were held. - By the time the decision is made on whether to proceed with the MZO, the Township will have had 3 meetings at the Committee or Council where public input is provided.
<p>Questions on Motion to Referral</p>			
<p>27</p>	<p>When the referral report comes in September, will the debate still be about using the MZO?</p>	<p>Kevin Heritage:</p> <ul style="list-style-type: none"> - The issue of the MZO would come forward in September. A few things to be considered: <ol style="list-style-type: none"> 1) Staff would engage in a public consultation and get comments back from MECP and the region of Durham, etc. 2) Consider if another public consultation is required (topic is on MZO specifically) 	<ul style="list-style-type: none"> - Yes. - MZO is the request. - Staff has had comments. PAC meeting was July 2023. The project has not changed in master-plan concept since it was first presented to the Mayor and Deputy Mayor in Dec 2022, save and except the Proponent purchased ~25 acres to acquire 550 meters of frontage on Durham Region arterial road (Simcoe St) in order to satisfy requirements of Township of Scugog Official Plan for road access. - Land is in a residential urban settlement area. Multi-unit housing is badly needed in Port Perry where 80% of housing stock is detached homes. The usual average in Ontario is 54% detached. Port Perry needs multi-unit housing for young people as well as down-sizing seniors.

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<p>28</p>	<p>Further public consultation with the community, will that be specific on the MZO topic and not other topics of concerns?</p>	<p>Kevin Heritage:</p> <ul style="list-style-type: none"> - To their own understanding, it will be specific to the MZO and whether to bring it further. 	<ul style="list-style-type: none"> - Minister to decide if MZO request meets provincial housing objectives.
<p>29</p>	<p>Does the September timeline allow sufficient time for the planning staff to do what is required and meet the deadline for return back to Council?</p>	<p>Kevin Heritage:</p> <ul style="list-style-type: none"> - Staff can bring a report back to Council in September. - However, it might be missing a number of replies from the agencies that they intend to circulate on the request for comments. 	<ul style="list-style-type: none"> - YES. Not a normal planning application but staff will have had about 3 months to prepare a request to assist the Council.
<p>30</p>	<p>What questions should we ask the agencies? Will they be focused on density and land use?</p>	<p>Kevin Heritage:</p> <ul style="list-style-type: none"> - The questions that will be focusing are density and land use, communal servicing. Servicing is a major issue for this project. - If there is no servicing, then this project cannot proceed. - Other issues that need to be addressed and are being requested in the MZO includes housing forms, performance standard, zoning bylaws, building height, lot coverage, setbacks. It's far more than just the density. The development will not proceed without these questions being asked. 	<ul style="list-style-type: none"> - MZO determines density, built form and other performance standards. Draft MZO provided to Township with MZO booked in June for their review. - Private communal wastewater utilities exist elsewhere in Durham Region. Several large systems within 10km radius of the EQUUS site. Ontario Municipal Board (OMB) ordered Durham to permit private communal wastewater and potable water at the Wyndance Project, in 2007. - MSIFN on Scugog Island has a private wastewater treatment system. Scugog Landing Resort has private wastewater treatment for 344 RV sites, 174 cottages, 435 boat slips. - Wyndance Corp. has had both private wastewater system and potable water system since 2007. Upkeep agreement with Durham Region (see MZO Briefing Book). - Director Heritage confirmed potable water allocation is determined by the Township (May 9, 2024) at a meeting with Durham Region.

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31	<p>Tonight (June 24) vote is to deal with specifically density and land use. Are the rest of the concerns to be dealt with in downstream processes as site plan and development plan are available for local planning staff for review?</p>	<p>Kevin Heritage:</p> <ul style="list-style-type: none"> - Partially. Planning department is looking at density, housing form, all performance standards that are included in the MZO, landscape, commercial development, max gross floor area for commercial development, parking requirement, buffer areas; because the entire developable portion of the area is unknown, it's subject to further review and they have to ultimately be included in the MZO. 	<ul style="list-style-type: none"> - MZO settles only density and other performance standards. - All other matters subject to further Township approvals. See MZO flow chart Appendix 1.
32	<p>What part would local staff not review if an MZO is granted? What authority/control would local planning staff lose?</p>	<p>Kevin Heritage:</p> <ul style="list-style-type: none"> - "I think I have indicated that in terms of what would be included in the MZO, it goes that far, I will be just repeating everything in terms of individual or density, housing form, we would not specify them, they would be included in MZO". 	<ul style="list-style-type: none"> - See MZO flow chart Appendix 1.
33	<p>If an MZO is granted, will the proponent be required to come back before Council?</p> <p>Will the planning department ultimately be reviewing the documentation which proved that they were reasonable, feasible and achievable?</p>	<p>Kevin Heritage:</p> <ul style="list-style-type: none"> - Staff will be reviewing documents as part of site plan or subdivision application. 	<ul style="list-style-type: none"> - Many approvals required downstream. - See MZO flow chart Appendix 1.
34	<p>Is it correct that local staff will have control of this development, but the project will be moving further to gather required information with a definitive number in mind?</p>	<p>Kevin Heritage:</p> <p>One of the considerations Staff would like to have is to have consultation with their legal counsel to see what actual commitments are being made through the MZO process and what local municipality would lose.</p>	<ul style="list-style-type: none"> - MZO is a tool created to empower municipalities to cut red tape and accelerate needed housing.
35	<p>There are submission expectations of an MZO, should this be referred to staff if the MZO is submitted by the township of Scugog?</p> <p>Can you read out the MZO submission expectations?</p>	<p>Kevin Heritage:</p> <ul style="list-style-type: none"> - Yes. The submission expectations are outlined on the ministry's website. (reading out each submission expectations). - Avenu properties is requesting support for the application of an MZO. 	<ul style="list-style-type: none"> - AVENU is asking Scugog Township to endorse and lead the MZO request to the Minister. - AVENU will not make an independent application.

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36	For clarification, Avenu is requesting the Township of Scugog to make an MZO application on behalf of Avenu Properties, is that correct?	<p>Kevin Heritage:</p> <p>To their understanding, the applicant is requesting support for their application to MZO.</p>	<ul style="list-style-type: none"> - Proponent IS NOT requesting support. The MZO request to come from the Town. MZO is designed to empower municipalities.
37	Are we content with all of the requirements in the applicant's submission?	<p>CAO Ken Nix:</p> <ul style="list-style-type: none"> - I cannot comment on whether it or not. 	<ul style="list-style-type: none"> - The MZO Briefing Book and all of the supporting work that went into it needs and exceeds the MZO Framework requirements.

COMMON QUESTIONS & ANSWERS			
ITEM	QUESTIONS	ANSWER	FURTHER RESPONSES
38	Is MZO proposal and rezoning application the same thing?	<ul style="list-style-type: none"> - See MZO Flow Chart Appendix 1. 	<ul style="list-style-type: none"> - An MZO is not a rezoning application under the Planning Act. - MZO is a tool to cut Red Tape and deliver more homes faster. - MZO will put in place various forms of housing (mostly multi-unit) and increase density in conformance with OP guidelines and provincial objectives.
39	How much Provincial Significant Wetland (PSW) will be affected?	<ul style="list-style-type: none"> - See KRCA maps on watershed boundary (2023) in Appendix 3. 	<ul style="list-style-type: none"> - NONE. - Total site is ~42 Hectares. Net-buildable is ~13 Hectares or more. Residential buildings are NOT IN CONFLICT with PSW boundary. Wetlands and other open space will be enhanced naturalist features for the community.

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<p>40</p>	<p>Is 600 units exceeding the allowable density in the Official Plan?</p>	<ul style="list-style-type: none"> - No. 	<ul style="list-style-type: none"> - NO. An MZO is not necessarily required to adhere to the Official Plan density requirements. - The combined land site stretching from Simcoe Street west to the Lake (~42.2 Hectares) and has ~ 13 Hectares of net-buildable land. - The land area provides sufficient flexibility to accommodate the 600 units anticipated and within the 50 units per Hectare net buildable permitted in OP of Scugog Township.
<p>41</p>	<p>Does the project allow enough parkland, a requirement in the Official Plan?</p>	<ul style="list-style-type: none"> - Yes. - Plans for green and open spaces exceed 1.32 Hectares raised by certain community members. 	<ul style="list-style-type: none"> - Project proposes wetland enhancement of close to 20 acres (8+ Hectares), consisting of bird and nature sanctuary, and open waterfront trail and sand beach area. - Project is intended to be open access community for everyone.
<p>42</p>	<p>From a community flyer: “the zoning does not require the 25% low to low to moderate income housing required by the OP” Is this correct?</p>	<ul style="list-style-type: none"> - NO requirement for low to moderate income housing on every single specific site in the Township. - Affordable means “housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the municipality” <p style="text-align: center;">-- new Provincial Planning Statement 2024</p>	<ul style="list-style-type: none"> - By increasing the density and introducing more compact built forms, the intent is to deliver housing that is more cost-effective to build and deliver. - Site is intended to be “intergenerational” with multiple types of ownership and rental accommodation. Full scale of housing from affordable to upscale: <ul style="list-style-type: none"> o Young professionals – ‘live-work remote’ spaces o Seniors looking to stay in Port Perry and ‘age-in-place’. - A ‘PACE’ healthcare services centre is proposed to assist aging-in-place, promoting down-sizing. - Certain parts of the project up-market pricing. Certain parts very affordable. One integrated community.

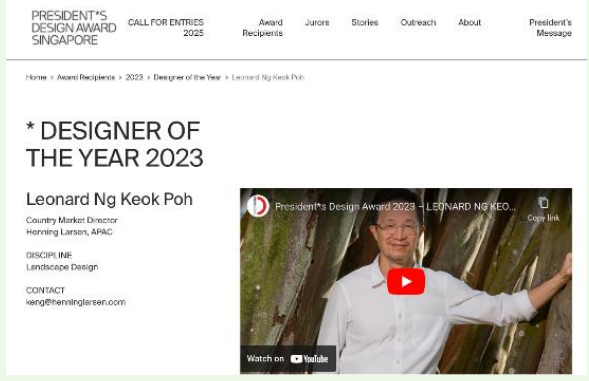
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<p>43</p>	<p>Why proposing private wastewater treatment?</p>	<ul style="list-style-type: none"> - Model for leading sustainable development in Canada. Opportunities for water recycling, heat harvesting, and reducing environmental impact. - There is no capacity in municipal wastewater treatment for the Castle Harbour community until 2051. - Toilets are better flushed with recycled wastewater than using expensive fresh municipal-supplied drinking water. - This is building a better future. 	<ul style="list-style-type: none"> - This type of servicing is permitted and anticipated for this property under the Regional Official Plan. - Best technology outcome, top sustainability and carbon reduction. Leading in Canada. - A modern sustainable world is moving towards water recycling. This will be the first project in Canada to use water recycling in combination with other advanced technologies. - No effluent from EQUUS will be discharged directly into the lake.
<p>44</p>	<p>Does the project comply to the Durham Region and Township’s Official Plans?</p>	<ul style="list-style-type: none"> - Yes. - See Durham Official Plan Schedule “A” Map (A3) in Appendix 4. Note: the site is approved for communal private wastewater treatment. 	<ul style="list-style-type: none"> - Inside “Urban Area Boundary” “Living Area” and permits “private wastewater treatment”. - Durham Region OP states “Newer sewage treatment systems may also be considered”. This will be newest, best, leading. - Scugog Township OP supports intensification in the urban area.
<p>45</p>	<p>Does MZO Application apply to the adjacent lands on Simcoe Street?</p>	<ul style="list-style-type: none"> - No. The MZO is for the original Site of 62 acres. 	<ul style="list-style-type: none"> - AVENU has committed to developing the project as one whole. However, lands (~25 acres) fronting Simcoe Street are to be incorporated into the whole, as one total site, one master planned community.
<p>46</p>	<p>How will the operation and upkeeping of infrastructure be guaranteed?</p> <ul style="list-style-type: none"> - water supply line - wastewater treatment - community transit 	<ul style="list-style-type: none"> - Developer builds the infrastructure and enters into long-term guarantees for up-keep, a typical procedure. 	<ul style="list-style-type: none"> - Guaranteed financial sufficiency for 50 years of future upkeep. Durham Region policy. - A secured system that is self-sustainable. - Drinking Water supply is the responsibility of Durham Region.


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47	<p>What are the social and public benefits in this project?</p>	<ul style="list-style-type: none"> - MANY: - More housing, needed mix of housing options - PACE – new leading healthcare to support aging-in-place. Private and public funding. - Family Doctor Residents’ Residence (for 24 new graduate Family Doctors) - Healthcare services that include PSW, specialists (for senior care), office space for medical care and services, structured care programme. - Wetland enhancements and preservation into sanctuary with naturalist trails and incorporated into waterfront amenity space for public enjoyment. - Waterfront trails connected to Scugog Waterfront trail and northeastern unused municipal parkland to the north; expanding access to the “trailhead”. - Public sand beach and new waterfront amenity space. - Transportation shuttle to provide private public transportation option. 	<ul style="list-style-type: none"> - No impact on existing sewage treatment which has limited capacity. Frees up capacity to use for other development in Port Perry. - Less impact on potable (drinking) water, also scarce in Port Perry. By using recycled water to flush toilets and in cooling towers for air-conditioning, EQUUS will use 30% less water than any size-equivalent residential development. - Water recycling is necessary for a sustainable future. EQUUS in Port Perry will be a first in Canada. - Water recycling is used 100% in Australia and in USA extensively.
48	<p>What are the economic benefits?</p> <p>How does this project enhance the municipalities’ financials?</p> <p>Will the site burden municipal services and what are the effects on local taxpayers?</p>	<ul style="list-style-type: none"> - Estimated Development Fees directly to Township of Scugog: over \$6.15 Million. - No. Zero cost to Township, Region and taxpayers. 	<ul style="list-style-type: none"> - New development costs are not passed onto existing residents and taxpayers, they are covered by fees and levies specific to new development. - Net Present Value (NPV) of Estimated property tax on 600 residences will grow the assessment and tax base: \$37.5 - \$45.0 Million for Scugog Township and more for Durham Region. - No impact on regional sewer services, allowing Port Perry to allocate sewer capacity to other projects to stimulate further economic development.

FAQ Regarding Project EQUUS

<p>49</p>	<p>Is it true the site already has site-plan approval for 20 large Estate Homes?</p> <p>Could more residential units be added and built under this approval?</p>	<ul style="list-style-type: none"> - YES. Approved in 2018. - YES. 20 Garden suites. 20 Basement apartments as separate units. 60 residences in total. 	<ul style="list-style-type: none"> - The site now has planning permission site-plan approval for 20 large, 12,000 to 15,000 square foot, 4 to 5 car garage, Estate Homes, all on septic tanks. - All single family lots in Scugog Township are now able to add and build separate “garden suites”. All homes as a right now may also have separate residential basement apartments.
<p>50</p>	<p>Is it true that the project is drawing international attention and introducing world-leading technologies?</p> <p>Is Council aware of initiatives and participating?</p>	<ul style="list-style-type: none"> - YES. YES. 	<ul style="list-style-type: none"> - A Memorandum of Understanding (“MOU”) has been formally signed with Toyota Mobility Foundation to assist with enhanced mobility designs for the project, if approved. Scugog, AVENU and Toyota are signatories. - Award winning and world-recognized landscape architect Leonard Ng (of Henning Larsen, in Singapore) is interested to be designer for the wetlands and waterfront enhancements. He is world famous for his approach to significant wetland projects. (https://pda.designsingapore.org/presidents-design-award/award-recipient/2023/leonard-ng-keok-poh/) 

FAQ Regarding Project EQUUS

SOCIAL MEDIA QUESTIONS & ANSWERS			
ITEM	Questions	Answer	Response
51	<p>What is the ‘duty to consult’ with MSIFN?</p> <p>What is AVENU doing?</p> <p>What engagement with MSIFN been done?</p>	<p>There is no duty at the municipal level to consult. The duty to consult is the sole obligation of the Crown.</p> <p>AVENU has made numerous attempts at outreach, including attending personal presentation to Chief Kelly LaRocca and Councillor Jeff Forbes.</p> <p>MSIFN through their wholly-owned entity, Minogi Group, have asked AVENU for the following:</p> <ol style="list-style-type: none"> 1) To sign a NDA (Non-Disclosure Agreement), which would restrict AVENU from disclosing any discussions “or negotiations” concerning the Project. 2) To provide money as “financial capacity” to MSIFN. Under the NDA, AVENU would not be able to publicly discuss how much money is being asked for. 3) As of year-end 2022, MSIFN has Total Financial Assets of \$144,263,510.00; an Accumulated Surplus of \$190,891,791.00 and on-hand cash of \$11,855,532.00. 4) In 2016 Census there are 85 Indigenous people in MSIFN. 55 identifying as non-indigenous. 140 in total. 	<div style="border: 1px solid #ccc; padding: 5px;">  Lawyers profile Canada 2024: Aboriginal Law, Environment Robin Junger Lawyer Rankings About Chambers Review Similar Lawyers </div> <p>Practice Areas</p> <p>Robin's practice focuses on environmental, administrative and Aboriginal law. He acts for a broad range of mining, energy, infrastructure, forestry and industrial companies, as well as property developers, governments and First Nations. In addition to more than 20 years of legal practice, Robin has served as British Columbia's: Deputy Minister of Energy, Mines & Petroleum Resources; Deputy Minister of Energy and Clean Technology; Head of the Environmental Assessment Office; Chair of the Oil & Gas Commission and Chief Provincial Treaty Negotiator. He has also acted as legal counsel to numerous statutory decision-makers, administrative tribunals and independent Officers of the Legislature, and was integrally involved in the development of some of British Columbia's most significant legislation including the Environmental Management Act, the Clean Energy Act and the Public Health Act. Robin is a Harvard Law School graduate and a former law clerk to the BC Court of Appeal. He has taught both private and public international law as a sessional instructor at the University of Victoria faculty of Law.</p> <ul style="list-style-type: none"> - Robin Junger has provided a written memorandum on the subject of 'duty to consult' (Appendix 2) . - AVENU's position is that it is inappropriate and not necessary to provide financial capacity or to be restricted by an NDA for consultation and interaction. - AVENU has no obligation to provide “Financial Capacity” or pay money or special fees to speak with MSIFN. - AVENU has offered on numerous occasions to hold open consultation for MSIFN on Reserve. No offer has been accepted. - MSIFN has had full access to consultation during the Scugog Township Official Plan process.
52	<p>Have other special efforts been made with MSIFN?</p>	<ul style="list-style-type: none"> - YES. 	<ul style="list-style-type: none"> - AVENU invited MSIFN to participate in a proposed shuttle bus development and routing study, together with Township of Scugog, Ontario Tech University, and Toyota Mobility Foundation.

FAQ Regarding Project EQUUS

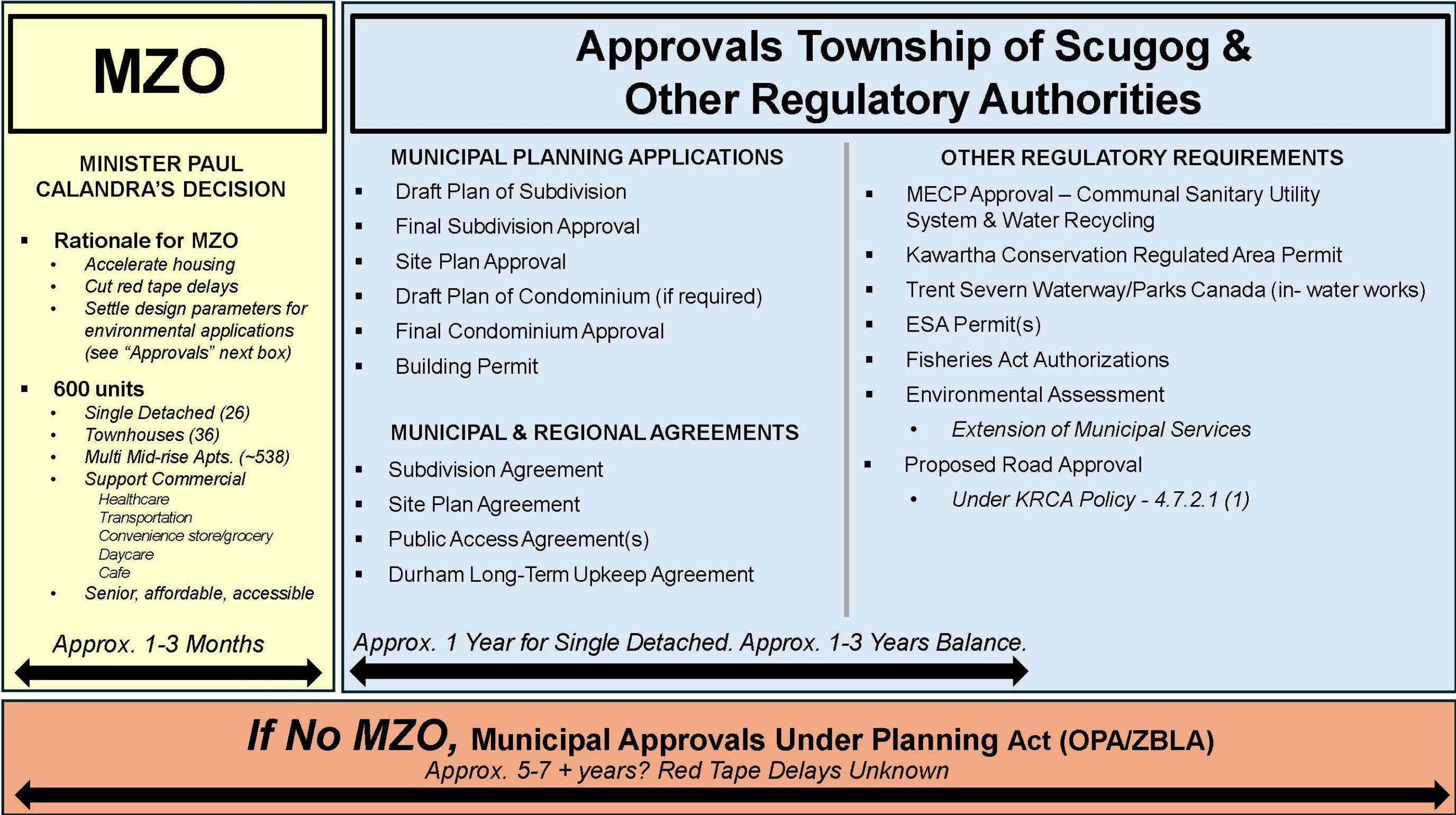
53	<p>Has the site had Archeological assessment?</p>	<ul style="list-style-type: none"> - YES. - Full archeological reports Stage 1, 2 & 3. - No significant findings. No archeological matters of interest 	<ul style="list-style-type: none"> - Site fully cleared by all authorities for development in 2018. - Report is in MZO Briefing.
54	<p>Is it true MSIFN has private wastewater treatment on Scugog Island?</p> <p>Where does the effluent of MSIFN private wastewater treat discharge to?</p>	<ul style="list-style-type: none"> - YES. MSIFN has its own private wastewater treatment that services their offices, residential community, Casino and Hotel. - To environment directly. 	<ul style="list-style-type: none"> - Water effluent is monitored and reported to the Province. - Quality and location of effluent discharge not disclosed. - MSIFN have refused requests for tour of their waste treatment facility.
55	<p>Has Durham Region opined on private wastewater treatment in the development?</p>	<ul style="list-style-type: none"> - YES. - Durham provided on Aug 8, 2024 letter acknowledging private communal waste water treatment is possible. 	<ul style="list-style-type: none"> - Durham Region has many communal private wastewater treatment systems and private potable water systems now, including MSIFN and at Goreski’s Landing Resort. - MSIFN has private wastewater system and private potable water system.
<p>END OF FAQ</p>			

APPENDICIES TO FAQ

FAQ Regarding Project EQUUS

APPENDIX 1

MZO FLOW CHART



FAQ Regarding Project EQUUS

APPENDIX 2

'Duty To Consult' Indigenous Q & A

Stephanie Tsang

From: Robin Junger <Robin.Junger@mcmillan.ca>
Sent: Wednesday, July 24, 2024 4:54 PM
To: Lorne Gross; lornegross
Cc: 'David Medhurst'; Stephanie Tsang
Subject: RE:

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Updated – second last point added.

- The duty to consult flows from s. 35 of the Constitution Act, 1982 which recognizes and affirms aboriginal and treaty rights across Canada. The duty to consult applies when the Crown (i.e., federal or provincial government) is contemplating a decision or action that could affect the exercise of aboriginal or treaty rights. (Haida Nation v. British Columbia (Minister of Forests), 2004 SCC 73)
The duty to consult does not apply to private parties or local governments.
The absence of a local government "duty to consult" was first stated by the BC Court of Appeal in Neskonlith Indian Band v Salmon Arm (City), 2012 BCCA 379, [2012] B.C.J. No. 1959 and subsequently affirmed by the Ontario Superior Court in McClung v Haudenosaunee, 2016 ONSC 1733, where it stated:

[36] I further find that there is no constitutional duty in these circumstances for the Corporation of Haldimand County to consult with Men's Fire. In the case of Neskonlith Indian Band v Salmon Arm (City), 2012 BCCA 379, [2012] B.C.J. No. 1959, the court in detailed reasons articulated the principle that municipal governments do not have a duty to consult even if it may in certain circumstances be in the best position to provide an "effective remedy" (para. 66).

- In the present case, a duty to consult First Nations would attach to the province's pending decision as to whether to issue a ministerial zoning order, if there is any reason to conclude the order could impact the exercise of asserted aboriginal or treaty rights (and the threshold for this trigger is low)
Where the province has a duty to consult, it is allowed to delegate "procedural aspects" of the consultation work to a proponent or a local government. This does not delegate the duty itself - it just means the Crown can rely on the discussions those parties undertake with Indigenous groups as counting towards, and factored into, the fulfillment of the Crown's consultation duties.
At the end of the day, when making a decision to which a duty to consult attaches – and upon considering all the information gathered and shared through the consultation process (whether by the Crown itself or those delegated procedural aspects of the work) and any measures taken to accommodate aboriginal interests - the government must "reasonably balance" aboriginal and non-aboriginal interests. The duty to consult does not give aboriginal groups a veto. (Haida Nation v. British Columbia (Minister of Forests), 2004 SCC 73).
First Nation do not get to determine the consultation processes to be undertaken, or to make the determination as to when consultation is adequate (though any such views and concerns should be considered in good faith by the party that holds a duty to consult). Indeed, it is quite common for a decision maker to which the duty to

consult attaches to conclude consultations have been adequate, even though one or more First Nations argues consultations must continue further.

- The delegation of procedural aspects of consultation by the federal or provincial governments does not require any formal statements or documentation, though government do at times give written directions through policies, guidance materials or case specific direction.
There is no legal requirement that a proponent accede to First Nation requests for financial benefits, capacity funding, engagement agreements or non-disclosure agreements.
In short, in the present case neither the company nor the local government have a "duty to consult" but, to the extent they have made efforts to engage First Nations, that is useful and such information and records should be shared with the province, as that can and should be relied upon by the province as it determines whether and when it's own duty to consult has been met.



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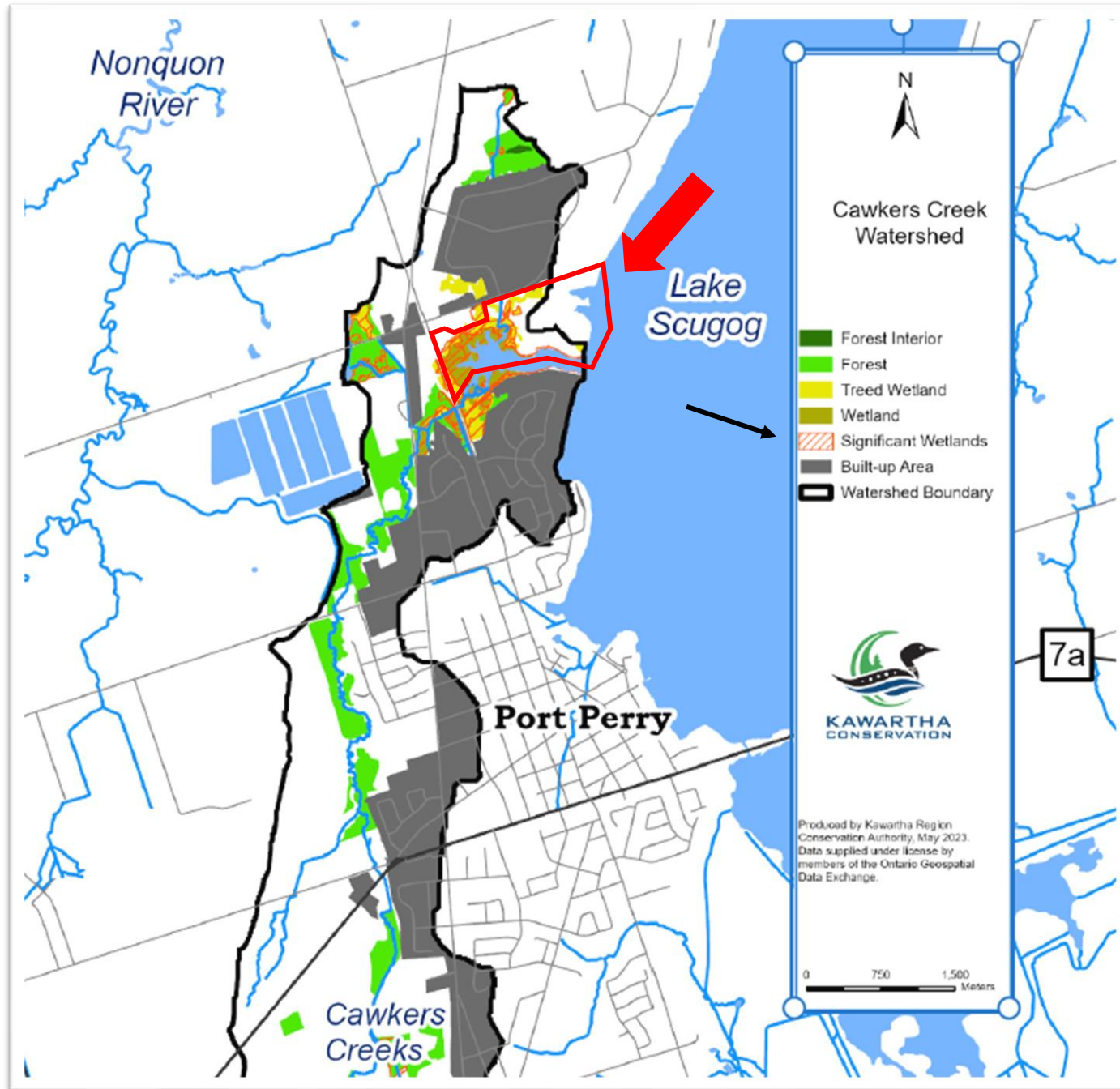
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FAQ Regarding Project EQUUS

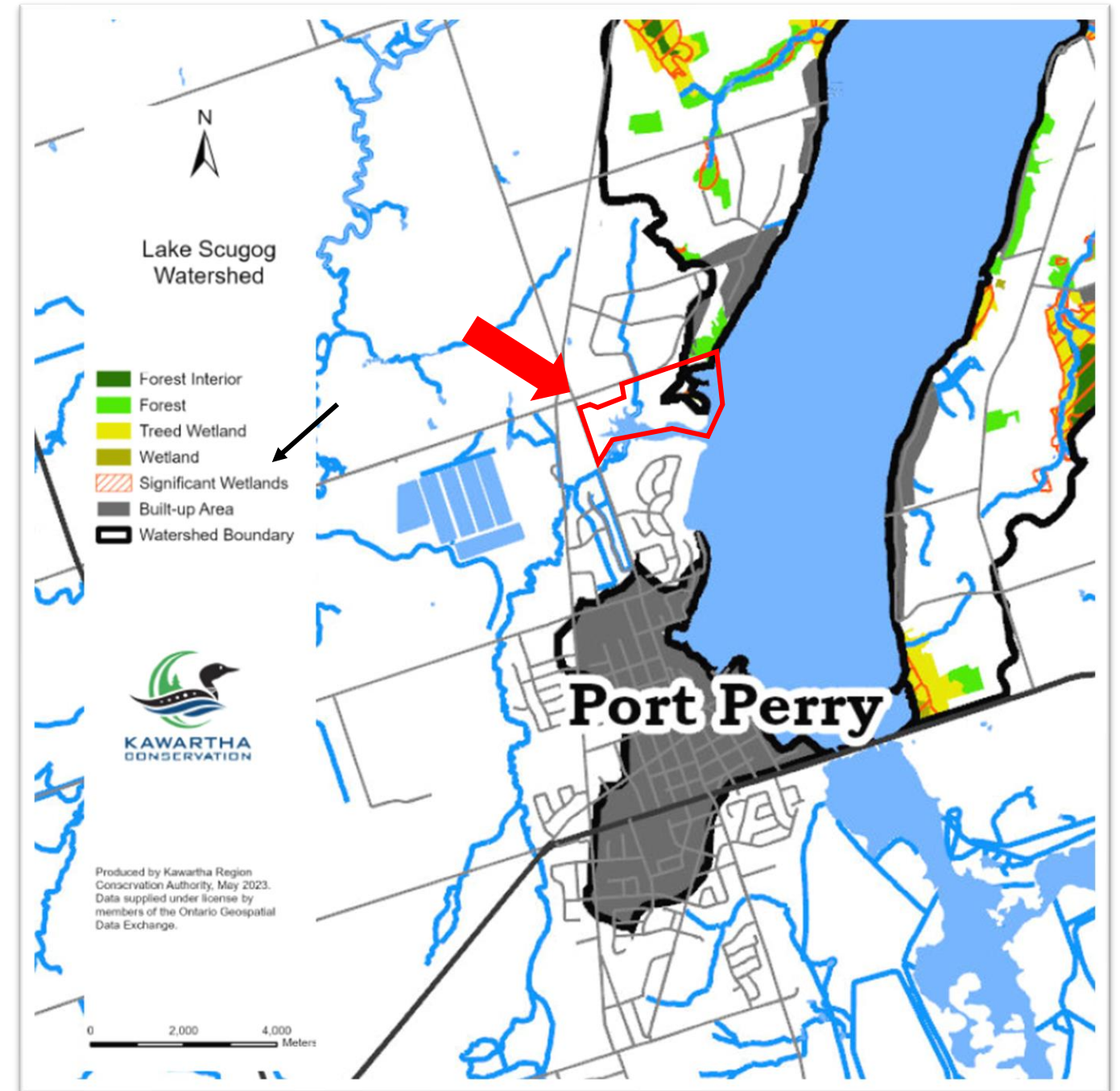
APPENDIX 3

KRCA Watershed Maps (2023)

[ONLY A LIMITED PORTION OF DEVELOPMENT IS WETLAND]; subject site indicated by arrow is bordered in red



Source: https://www.kawarthaconservation.com/en/environmental-sciences/resources/Images/watersheds/CawkersCreek_Watershed.jpg

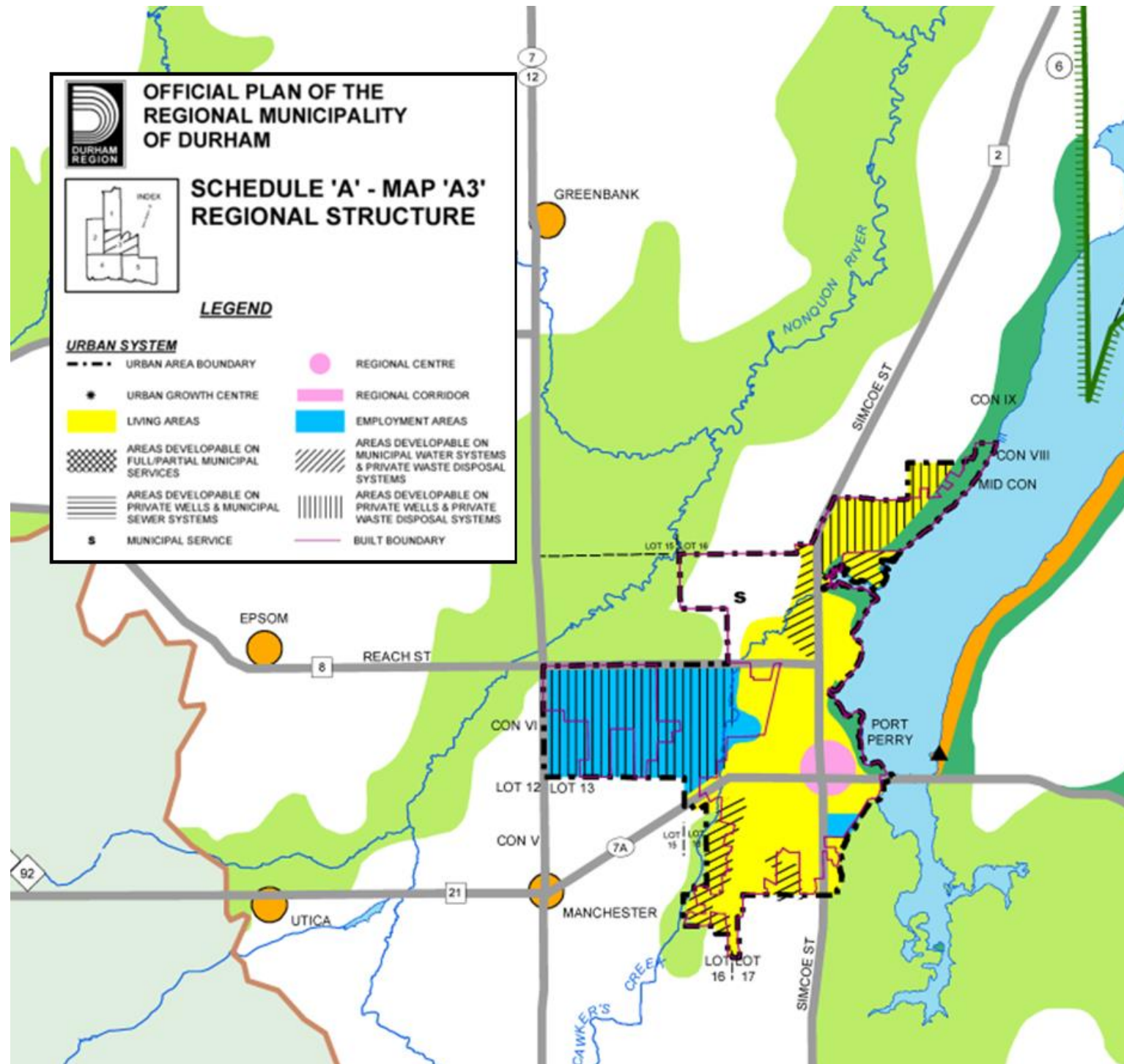


Source: https://www.kawarthaconservation.com/en/environmental-sciences/resources/Images/watersheds/LakeScugog_Watershed.jpg

FAQ Regarding Project EQUUS

APPENDIX 4

Durham Region Official Plan (Schedule A – Map 'A3' Scugog)



Source: <https://www.durham.ca/en/doing-business/resources/Documents/PlanningandDevelopment/Official-Plan/Schedule-A.pdf>