



Ministry of Environment, Conservation and Parks
5th Floor, 777 Bay Street
Toronto, Ontario
M7A 2J3

RE: ERO 019-9375

We are writing again today to reaffirm our position previously expressed when we opposed ERO 019-9146, a permit to take water (PTTW) for St. Rita at Mary Lake Long Term Care Home from one well for foundation drainage at 13760 Keele Street in King Township, Ontario.

We believe our previous comments (attached) still stand and have not been adequately addressed or considered, even after increasing the volume of water being removed per day.

We remind the Ministry that this development is sited a mere 30 meters away from a sensitive kettle lake and a significant recharge area connected to several provincially significant wetlands. We are concerned that the cumulative impacts of water removal on site have the potential to alter water levels in the lake and wetlands, impacting aquatic life, wetland vegetation, and broader hydrological systems. We believe that the cumulative effects of water taking at this site will affect the ecological integrity of the systems as a whole.

Moreover, and bringing to bear the Auditor General's 2024 EBR Report, we would like to note that our request for an investigation was submitted in January 2024 but we did not receive a response about the outcome of the MECP investigation until June, 2024. Since the response was received after the Auditor General's reporting year the handling of the application was not accessed. The Auditor General has, however, identified and validated our concerns regarding the self-regulatory nature of EASR permits more generally.¹

We find the timing and submission of the EASR questionable. It was filed August 28, 2024, the qualified individuals signed off on January 12, 2024, and the estimated start date of first water taking was February 1, 2024. It is difficult not to think that the timing of registration after our EBR investigation is unrelated. Clearly, the applicant was planning to start taking water, yet we were notified that MECP did not find anything during their investigation. While site visits were conducted, it is unclear if the MECP witnessed any water extraction. Nor is it clear why the self-registry system would allow a registration to be submitted retroactively. While MECP staff

¹ Office of the Auditor General of Ontario, "Environmental Bill of Rights: Annual Report on the Operation of the Environmental Bill of Rights, 1993," Annual Report (Toronto: Office of the Auditor General of Ontario, 2024), https://www.auditor.on.ca/en/content/annualreports/arreports/en24/pa_EBR_en24.pdf.



indicated they conducted a review of government records, the EASR would not have been found because it had not been registered. It would be unsettling to learn that MECP accepts retroactive registration as compliant.

The EASR is permitted as per Section 20.21 (1)(a) of the EPA. Had it been filed during the investigation period, would it have altered the findings of MECP? As pointed out in our initial comments and resubmitted, it is unclear how any of the water extracted under the existing EASR (construction de-watering) as well as the proposal for the PTTW (permanent foundation drainage) could be managed in compliance with Ontario's provincial legislative requirements given there has been no approval for centralized storm or sanitary or permits from King Township or York Region. Furthermore, it is completely unclear what the plans are for municipal water and sanitary for the long-term care home.

It remains unclear if the EASR and PTTW are separate undertakings or if they are the same and have been erroneously separated by the applicant. Nor is it clear to whom the government of Ontario is actually granting approvals at this point. St. Rita of Mary Lake was registered as a legal entity in January 2022. How their operating experience and qualifications can be validated for the already approved 160 LTC bed license, which came with government funding and now extensive water takings in an environmentally sensitive area, remains a mystery.

A handwritten signature in dark ink, appearing to read "Robert Brown".

Robert Brown
Co-Chair, STORM Coalition



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RE: ERO 019-9146

We are writing today in response to ERO 019-9146, a new permit to take water (PTTW) for St. Rita at Mary Lake Long Term Care Home from one well for foundation drainage at 13760 Keele Street in King Township, Ontario.

We strongly object to the issuing of any approvals for groundwater extraction at this site and ask that St. Rita at Marylake Long Term Care Home PTTW is not granted.

We respectfully request that the Client Services and Permissions Branch of the Ministry of Environment, Conservation and Parks (MECP) thoroughly examine the information presented in this letter. We further ask that MECP reassess the validity of the Environmental Activity and Sector Registration (EASR) for construction site dewatering, currently active as Registration Number: R-009-6263756324. The EASR permits construction site dewatering.

In recent years, Concerned Citizens of King Township (CCKT) and Save the Oak Ridges Moraine Coalition (STORM) have been contesting the process and means by which the development application put forward by Augustinian Fathers (Ontario) Inc. (AFOI), for St. Rita at Marylake Long Term Care Home was approved by King Township planning staff and Committee of Adjustment. A website titled "Save Mary Lake" was launched by STORM and CCKT, accompanied by a petition that has collected 2,922 signatures. We have included various media articles in Appendix 1 for the MECP Director's review. These materials demonstrate the widespread public apprehension surrounding development activities on the protected Oak Ridges Moraine countryside and in proximity to Mary Lake, a kettle lake that is protected as a natural core area.

Throughout the planning process, we have contended that several key documents supporting the development application—namely the natural heritage evaluation, hydrogeological assessment, stormwater management plan, and geotechnical subsurface investigations—have been in various degrees insufficient, incorrect, and/or unverifiable. We have alleged that once dewatering and stormwater management come into effect at the site, the development plans forwarded by King Township have the potential to violate the Environmental Protection Act, the Provincial Policy Statement (2020)¹, the Ontario Resources Act (1990), the Federal Fisheries Act, and the Oak Ridges Moraine Conservation Plan (2017). Furthermore and related to the direct

¹ We recognize the Provincial Policy Statement, 2020 will be revoked and replaced by the Provincial Planning Statement, 2024. Regardless the application should be compliant with legislation in effect when submitted.



matter at hand, we remain troubled by the fact that King staff permitted LTC as a preexisting use in accordance with the ORMCP without any substance evidence to support this opinion.

In January of 2024 CCKT and STORM filed a request for an investigation under the Environmental Bill of Rights alleging several of the points we raise below (attached). As you may know, while it was impossible for the subsequent investigations that took place in February 6th and May 7th of 2024 to confer our alleged contraventions – dewatering had not begun and the stormwater management system was not yet in place – it was our hope that our request would allow the Ministry of Environmental Conservation and Parks (MECP) to bring this project in line with the aforementioned protection plans before the ecological integrity of Mary Lake is irrevocably damaged (Appendix 2 & 3).

As made clear by the current PTTW request, the plans for the construction of this three-story, 17,000 sq. meter, major development, located under 30 meters away from a significant hydrological feature protected under the Oak Ridges Moraine Conservation Plan as a Natural Core Area deemed essential to the ecological integrity of the ORM as whole, include significant dewatering during construction and permanently after construction is completed. Currently, the applicant is requesting a permit to dewater a maximum of 51,180 L per day. It is unclear if this is above and beyond the EASR. The combination of these permits has prompted the following questions.

- Are construction site dewatering (EASR) and foundation drainage (PTTW) different, in essence, is the registration and the ERO posting asking for different permissions on the same site?
- The EASR indicates the discharge is to municipal sanitary/storm. It is not clear that any approvals have been given municipally or provincially to build or connect municipal sanitary/storm at this site. We have no evidence or documentation that centralized stormwater management or sanitary exist at this site. If there is no approved/existing servicing how can the MECP grant a permit to discharge into a system that does not exist or is yet to be approved?

CCKT and STORM contend that this is a gross underestimation of the true dewatering requirements at this site. Prior to the current PTTW, the applicant had planned to dewater 237,000 L per day of potentially contaminated groundwater during construction and approximately half that amount permanently.

Moreover, the applicant had determined that the amount of contaminated groundwater pump outs will increase to over 500,000 L per day during a 100-year storm event (which now occurs once per decade). Even when the applicant proposed a volume of 237,000 L per day, it was the opinion of our expert hydrogeologist that dewatering requirements had been underestimated,



particularly where the development plans require deep excavation to place engineered fill underneath the retaining wall designed to support the west side of the building (Appendix 2).

Not only have the dewatering requirements been underestimated, we are also concerned that this water will be contaminated. The applicant's hydrogeological assessment which was conducted by Terraprobe and dated July 2023, reports that phenols were found in the groundwater at Borehole #4 at a level of 66 micrograms/L. Borehole #4 is located within the construction envelope. Under the Federal EPA the levels of Phenols allowed in freshwater is 4 micrograms/L. Any level above that has been determined to be harmful to aquatic life.

More problematically still, there have been conflicting reports regarding where dewatering is going to be discharged. In May of 2024, Paul Kulyk, Senior Planner, Township of King, stated that the "foundation drainage is proposed to discharge through the on-site stormwater management system and ultimately to Mary Lake." This confirmed our original belief that construction dewatering and stormwater would be discharged primarily into Mary Lake (Appendix 4).

If the MECP permits potentially contaminated construction dewatering into Mary Lake, the Ministry could violate relevant EPA Section 14 Regulations, the Oak Ridges Moraine Conservation Plan Regulations and Fisheries Act prohibitions against discharging stormwater and other contaminants into kettle lakes or doing anything that might disturb, or harm designated Provincially Significant Wetlands or Kettle Lakes. While an assessment of aquatic life was absent from the Natural Heritage Evaluation submitted by the applicant, we have since collected a study conducted by the OMNRF that found 10 species of fish present in the lake and which would be directly affected by construction dewatering (Appendix 5).

Furthermore, we do not believe that the occlusion of aquatic life assessments in the natural heritage evaluation was an anomaly. Having had consultants review the natural heritage evaluation, hydrogeological assessment, stormwater management plan, and geotechnical subsurface investigations, they have identified multiple areas where these documents are incomplete and insufficient. Bringing some of the most germane examples to the fore:

- The proposed construction of this large scale major development will have edge effects and disturbance spill over into the ORMCP (2017) Minimum Vegetation Protection Zones (MVPZ). This spillover will be most significant where the proposed constructed engineered fill earth slopes merge with the Mary Lake 30 m MVPZ as defined by the Applicant. This spill over is further demonstrated by designated tree protection zones within the Mary Lake 30 MVPZ as shown on the Applicant's Forest Protection and Grading Plans. These tree protection zones imply construction activities are anticipated within the MVPZ areas.



Save The Oak Ridges Moraine

- The Applicant will have difficulty keeping all the sediment that is eroded during construction within this Major
- The Applicant has not demonstrated that the 30 m Minimum Vegetation Protection Zones are sufficient and did not consider greater distances up to 120 m (ORMCP (2017) Table, pg 53).
- The Applicant has not shown how ecological (and hydrological) integrity will be maintained and where possible improving or restoring before, during and after construction.
- The Applicant's Hydrogeology Assessment relied on the insufficiently deep and poorly distributed May 2021 pre-design Geotechnical Boreholes. New boreholes need to be extended to below the proposed maximum depth of LTC foundation excavation and to about 5 m below the equivalent surface elevation of Mary Lake to adequately define local Site hydrogeological conditions.
- Multilevel piezometers should have been installed to evaluate perched and deeper groundwater conditions. Only single level piezometers were installed in 3 of 6 boreholes. No systematic four season monitoring of groundwater levels was undertaken. As a result interpretation of groundwater conditions is compromised as related to foundation conditions and ORMCP (2017) regulations.
- This compromise is further demonstrated by the Applicant's Phase One and Phase Two Environmental Site Assessments which installed an additional three slightly deeper and better distributed groundwater monitors and offered a contrasting site interpretation.
- The Applicant has underestimated the excavation depth to stable founding ground under the proposed LTC complex and therefore also underestimated the excavation depth below the water table, underestimated the quantity of short term construction dewatering and underestimated the quantity of long term dewatering required. The Applicant's dewatering target lowest elevation is 301.2 m asl.
- The Applicant's 50 m (rounded) Dewatering Zone of Influence is also underestimated due to the underestimate of the dewatering target elevations. The Applicant's deficient geotechnical / hydrogeological investigation depths do not permit reasonable assessments of impacts on adjacent MAM2-2 wetlands and Mary Lake.
- This minimum area of influence with respect to key natural heritage and hydrological features are not in compliance with ORMCP (2017) s21.(1) and 21.(2).

These oversights and omissions are egregious and should have immediately disqualified this development application - especially after directly requesting that King Township address these very issues via delegations to council on multiple occasions.



Every ministry that signs permits allowing this development to proceed further implicates itself in an evolving scandal. The potential environmental damage to Mary Lake and the surrounding Oak Ridges Moraine ecosystem is severe and potentially irreversible.

While we recognize that some of our concerns extend beyond the Ministry of Environment, Conservation and Parks' (MECP) scope, we believe that the systemic failures that have allowed this development application to advance cannot be ignored.

We implore the MECP to carefully consider the numerous issues raised in this letter and deny the permit to take water for St. Rita at Marylake Long Term Care Home. The ecological integrity of this significant natural area must be protected for current and future generations, in accordance with existing environmental protection legislation and conservation plans. To do otherwise would be a grave dereliction of duty and a betrayal of public trust akin to the ongoing Greenbelt scandal.

A handwritten signature in black ink, appearing to read "Robert Brown".

Robert Brown
Co-Chair, STORM Coalition

Appendix 1: Media Articles

News Articles

York Region News Dec 31, 2023: *NEWSMAKERS 2023: Should a nursing home be built at Mary Lake in King Township?*

See:

https://www.yorkregion.com/news/newsmakers-2023-should-a-nursing-home-be-built-at-mary-lake-in-king-township/article_82ab1c3f-caab-51f6-8cd7-f7e099a8bd96.html

Narwhal, Sept 21, 2024: *A year after Ontario's Greenbelt scandal, battles over proposed intrusions still simmer.*

See: <https://thenarwhal.ca/ontario-greenbelt-scandal-anniversary/>

National Observer, February 15, 2024 *The mysterious case of the Ontario monks and a long-term care home that won another Greenbelt development approval*

See:

<https://www.nationalobserver.com/2024/02/15/news/mysterious-case-ontario-monks-long-term-care-home-greenbelt>

CBC, Dec 12, 2020: *Religious charity to ask King Township Council for support of plans to redevelop part of Greenbelt*

See:

<https://www.cbc.ca/news/canada/toronto/augustinian-fathers-ontario-religious-charity-mzo-king-township-council-approval-marylake-development-1.5839371>

Press Releases

CCKT, Apr 14, 2023 Mary Lake Development & ORMCP

<https://cckt.ca/press-release-mary-lake-development-ormcp/>

Appendix 2: Request for Investigation

Application to Review King Township's Planning decision to allow/permit the construction of the St. Rita at Marylake 160 bed Long Term Care facility outside the King City settlement area on ecologically sensitive Oak Ridges Moraine land.

1. Corporate Applicants

Save the Oak Ridges Moraine (STORM), 45 Crows Pass, Port Perry Ontario L9L 1V9

Ontario Corporation Number # 897025. Incorporation date; August 17, 1990

Chair, Robert Brown, rmwbrown@gmail.com (416) 533-1461

Concerned Citizens of King Township (CCKT), 115 Clearview Heights, King City, Ontario L7B 1H6

Ontario Corporation Number (OCN): 881998 Incorporation Date: March 23, 1990 Type: Not-for-Profit Corporation

Chair, Bruce Craig, brucecraig@sympatico.ca 905 833 3272

(Declaration for these corporations attached near the end of this application file)

2. Alleged Contravener

The Township of King,

2585 King Road

King City, Ontario

L7B 1A1

(905) 833-5321

Attention: Chief Administrative Officer

3(a) Alleged Contravention

This is a request for an Investigation under the Ontario Environmental Bill of Rights and related Provincial and Federal regulations concerning a large-scale development on the Oak Ridges Moraine, outside the King City settlement area in King Township. There are strict relevant EPA Section 14 Regulations, Oak Ridges Moraine Conservation Plan Regulations and Fisheries Act prohibitions **against discharging stormwater and other contaminants into kettle lakes or doing anything that might disturb, or harm designated Provincially Significant Wetlands or Kettle Lakes.**

Application to Review King Township's Planning decision to allow/permit the construction of the St. Rita at Marylake 160 bed Long Term Care facility outside the King City settlement area on ecologically sensitive Oak Ridges Moraine land.

Relevant Regulations :

Environmental Protection Act:

Section 14 (1) "Subject to subsection (2) but despite any other provision of this Act or the regulations, a person shall not discharge a contaminant or cause or permit the discharge of a contaminant into the natural environment, if the discharge causes or may cause an adverse effect. 2005, c. 12, s. 1 (5)

Provincial Policy Statement 2020:

Section 2.1 Natural Heritage

2.1.1 Natural features and areas shall be protected for the long term.

2.1.4 Development and site alteration shall not be permitted in *significant wetlands* in Ecoregions 6E (King Township is within Ecoregion 6E) unless it has been demonstrated that there will be no *negative impacts* on the natural features or their *ecological functions*.

2.1.6 *Development* and site *alteration* shall not be permitted in *fish habitat* except in accordance with *provincial and federal requirements*.

2.1.8. *Development* and *site alteration* shall not be permitted on *adjacent lands* to the *natural heritage features* and *areas* identified in policies 2.1.4, and 2.1.6 unless the *ecological functions* of the *adjacent lands* have been evaluated and it has been demonstrated that there will be *no negative impacts* on their natural features or their *ecological functions*.

Section 2.2 Water

2.2.1 Planning authorities shall protect, improve, or restore the quality and quantity of water by:

a) using the watershed as the ecologically meaningful scale for integrated and long-term planning, which can be a foundation for considering cumulative impacts of development.

d) identifying water resource systems consisting of groundwater features; hydrological functions, natural heritage features and areas, and surface water features including shoreline areas, which are necessary for the ecological and hydrological integrity of the watershed.

e) maintaining linkages and related functions among ground water features, hydrological functions, natural heritage features and areas, and surface water features including shoreline areas.

f) implementing necessary restrictions on development and site alteration to:

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2. protect, improve or restore vulnerable surface and ground water, sensitive surface water features and sensitive ground water features, and their hydrological functions.

i) ensuring stormwater management practices minimize stormwater volumes and contaminant loads and maintain or increase the extent of vegetative and pervious surfaces.

2.2.2 Development and site alteration shall be restricted in or near sensitive surface water features and sensitive groundwater features and their hydrological functions will be protected, improved, or restored. Mitigative measures and/or alternative development approaches may be required to protect, improve, or restore *sensitive surface water features, sensitive ground water features and their hydrological functions*.

Ontario Water Resources Act, R.S.O. 1990, c. O.40

Section 1 Interpretation

Deemed impairment (3) For the purposes of this Act, the quality of water shall be deemed to be impaired by the discharge of material if the material or a derivative of the material enters or may enter the water, directly or indirectly, and, (a) the material or derivative causes or may cause injury to or interference with any living organism that lives in or comes into contact with,

(i) the water, or

(ii) soil or sediment that is in contact with the water.

Section 29 Supervision of Waters (1) For the purposes of this Act, the Minister has the supervision of all surface waters and ground waters in Ontario. R.S.O. 1990, c. O.40, s. 29 (1).

Injunction to prevent pollution of water.

(3) Where any person is discharging or causing or permitting the discharge of any material of any kind into or in or near any waters that, in the opinion of the Minister, may impair the quality of the water in such waters, the Minister may apply without notice to the Superior Court of Justice for an order prohibiting such discharge for such period not exceeding twenty-one days and on such terms and conditions as a judge considers proper, and such order may, on application to the Court, be continued for such period and on such terms and conditions as a judge considers proper. R.S.O. 1990, c. O.40, s. 29 (3); 2001, c. 9, Sched. G, s. 6 (50).

Section 30 Discharge of polluting material prohibited.

Every person that discharges or causes or permits the discharge of any

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material of any kind into or in any waters or on any shore or bank thereof or into or in any place that may impair the quality of the water of any waters is guilty of an offence. R.S.O. 1990, c. O.40, s. 30 (1)

The Oak Ridges Moraine Conservation Plan: as set out in *Ontario Regulation (O. Reg.) 140/02 under the Oak Ridges Moraine Conservation Act, 2001*

Section 45 (7) Despite anything else in this Plan, disposal of stormwater into a kettle lake is prohibited

Section 26 All development and site alteration with respect to land within a key hydrologic feature (kettle lakes) or the related minimum vegetation protection zone is prohibited,

ORMCP Technical Paper Series 12 - Hydrological Investigations for Hydrologically Sensitive Features and in particular, interference with minimum vegetation zone of influence.

Section 5.2 The identification of the presence and extent of any hydrologically sensitive feature is a prerequisite to any application. The assessment for a proposed development site should extend a minimum of 120 meters from the site to determine if the site is within the minimum area of influence of any hydrologically sensitive features

Federal Fisheries Act (R.S.C., 1985, c. F-14):

Section 36(3): (3) Subject to subsection (4), no person shall deposit or permit the deposit of a deleterious substance of any type in water frequented by fish or in any place under any conditions where the deleterious substance or any other deleterious substance that results from the deposit of the deleterious substance may enter any such water.

Deleterious substance means under Section 34 (1) (a) any substance that, if added to any water, would degrade or alter or form part of a process of degradation or alteration of the quality of that water so that it is rendered or is likely to be rendered deleterious to fish or fish habitat or to the use by man of fish that frequent that water.

3.(b) Provide a statement of the nature of the alleged contravention(s)

A series of approvals has been granted by King Township to permit a 160-bed Long-Term Care Facility on the Oak Ridges Moraine, outside the King City settlement area at Mary Lake, which we believe is in contravention of several Regulations and Acts, identified above. Mary Lake is a sensitive kettle lake on the Oak Ridges Moraine that includes on its

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shorelines designated Provincially Significant Wetlands. This project is to expand a 5,683 sq. m Shrine/ Monastery Complex on the Moraine near the edge of Mary Lake by 300% to 17,003 sq. m. This large new building is to be squeezed in between a sensitive kettle lake and designated Provincially Significant Wetlands. The plans include discharging stormwater contaminated with salt and groundwater contaminated with Phenols (oils) into kettle lakes and the wetlands.

3.(c) Provide a detailed description of the alleged contravention(s).

A description of the nature/circumstances of the alleged contravention(s)

The plans for construction of this three-story, over 17,000 sq. meter building, include significant dewatering both during construction and permanently after construction is completed. The applicant plans to pump out 237,000 L per day of contaminated groundwater during construction, and approximately half that amount permanently. The applicant has determined that the amount of contaminated groundwater pump outs will increase to over 500,000 L per day during a 100 year storm event (which is happening more frequently due to climate changes). Our expert hydrogeologist has determined that the amount of dewatering has been underestimated particularly where the plans require deep excavation to place engineered fill underneath the retaining wall holding up the west side of the building. The applicant's hydrogeological report, Terraprobe, dated July 2023, reports that Phenols were found in the groundwater at Borehole #4 at a level of 66 micrograms/L. Borehole #4 is located within the construction envelope. Under the Federal EPA the levels of Phenols allowed in freshwater is 4 micrograms/L. Any level above that has been determined to be harmful to aquatic life. OMNRF's assessment found that the wetlands adjacent to Mary Lake are designated Provincially Significant Wetlands and Mary Lake is a sensitive kettle lake. OMNRF have found 10 fish species in Mary Lake. Discharging contaminated groundwater with Phenols approximately 15 times the allowed limit is prohibited.

The project plans also indicate that there will be stormwater discharged into Mary Lake from underground storage tanks. The winter runoff from the parking areas will contain salts and other possible contaminants that will dissolve in the water and will not be removed by the underground Cultec tanks. This contaminated stormwater will be released from the Cultec system to the east PSW where the stormwater will not be able to infiltrate due to the clay soils and as a result the stormwater will flow east through the Keele St. culverts and into Seneca Lake.

The plans also include controlled discharge of stormwater from the Cultec system through controlled flows via a proposed headwall onto the steep slopes on the west side of the building to effectively discharge into Mary Lake. Contaminated stormwater will harm the lake's aquatic life. Under the **Oak Ridges Moraine Conservation Plan it is illegal to discharge stormwater into kettle lakes**. Salt is known to be a contaminant to freshwater fish and other aquatic life found in freshwater lakes such as Mary and Seneca Lakes.

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There are strict relevant EPA Section 14 Regulations, Oak Ridges Moraine Conservation Plan Regulations and Fisheries Act prohibitions against discharging stormwater and other contaminants into kettle lakes or doing anything that might disturb, or harm designated Provincially Significant Wetlands. Aquatic biologists have significant concerns about the impacts on the aquatic life in Mary Lake and surrounding wetlands, including fish, given what has been revealed in the proponents' reports. It is clear that a degradation of water quality and water quantity will negatively impact what are now high-quality wetlands and kettle lakes. Plans, acts and regulations were put in place several decades ago to protect and prevent these exact contaminants from harming and destroying high quality sensitive ecosystems on the Moraine. We are appealing to the Ministry of the Environment, Conservation and Parks and the Ministry of Natural Resources and Forestry to uphold these important protections.

An explanation of why you believe that the company(/ies) and/or individual(s) cited as the "contraveners" are responsible for the contravention.

The Township of King issued a site plan approval and building permit without proper assessment and consideration of the deleterious effects on the sensitive kettle lakes Mary and Seneca and the surrounding designated PSW wetlands.

The applicant provided inadequate information on previous use and continued use and King Township staff did not seek the outside independent expert opinions required to properly assess this complex application given that it is proposed for outside King City settlement area, on the Moraine and Greenbelt.

Any other information that you believe is relevant.

In addition to the environmental concerns raised, our investigation has also identified that the Township has erred in accepting the applicant's attestations that a LTC facility was operating on the site. We have included evidence from an attending doctor, who also served as Medical Director of a local LTC facility, that no LTC facility, as defined in the Long Term Care Homes Act 2007, was in operation on the site. Given this fact, King Township was in error in accepting the applicants word on this prior use. If there was no prior use, the ORMCP would then prohibit the building of this LTC facility on the site. In addition, even if there had been care provided, it was ancillary to the primary use of the facility as a Monastery/Sanctuary, and therefore the expansion would not have been allowed under the ORMCP. Subsequent discussions with MLTC personnel stated that they confirmed new beds for Mary Lake based on the knowledge that local planning staff supported this project.

It is worth mentioning several other irregularities that have upset the residents regarding this project and to show there has been widespread and long-standing concern about the intention of the applicant to develop this sensitive site.

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On Dec. 5, 2019, after ten months of review, King Township Planning Staff produced an 'opinion' letter, addressed only to the applicant, for the development of a Long-Term Care facility at Mary Lake. Township planning staff stated in this opinion letter that they were satisfied that "a long-term care facility use has historically occurred on the Mary Lake property". Planning staff is on record that they selectively chose/requested data solely from the applicant to come to their conclusions and apparently did not use other sources to investigate the applicants claim. We have evidence to dispute this claim. This planning opinion letter was discovered more than a year after it was produced by staff.

On December 14, 2020, a request for an MZO came before King Township Council to allow a Long-Term Care facility, a hotel and an event facility to be built on the Augustinian Fathers Ontario Incorporated (AFOI) lands located outside of and north of the settlement area of King City, on the Greenbelt and on the Oak Ridges Moraine. With strong opposition through public deputations and letters, the vast majority objected to this MZO request. That request was unanimously denied by King Township Council.

On February 8, 2021 a planning opinion recommendation was presented to Council that the Township planning staff had reviewed information provided by the applicant's lawyer indicating that historically long-term care had been provided to the priests living at Marylake Monastery and therefore it met the requirements of the Oak Ridges Moraine Conservation Plan (ORMCP) as pre-existing institutional use and would be allowed to expand to a 160 bed Long Term Care facility.

There were extensive public deputations and written comments opposing the planning recommendation. Mayor Steve Pellegrini stated at that meeting that Council was only voting to receive the planning opinion and that it would come back to Council later for a vote to accept or deny a site plan, if and when that was provided to planning staff. Council voted to receive and at the same time requested legal counsel's interpretation of ORMCP terms 'existing use' and 'extended use'. That legal opinion was not made public, and this application was never brought back to Council.

In August 2021 a group of local citizens sought the opinion of an experienced expert municipal planner, Allan Ramsay. Mr. Ramsay's opinion (attached) was that the proposed project did not meet the ORMCP test as a pre-existing use, that Long Term Care was a change of use and that long term care had never been the primary use of the property – rather Marylake Monastery has been a residence and place of worship run by the Augustinian Fathers. Mr. Ramsay's opinion was sent to Council, but no response or even acknowledgement was provided to Concerned Citizens of King Township (CCKT).

Later in 2021 Concerned Citizens of King Township filed a Freedom of Information request to be able to access and review the evidence supporting the planning staff opinion that previous long-term care was a pre-existing use. The Township FOI officer concluded that the evidence must be provided. The applicants lawyer refused to comply. A mediation officer was appointed by the Province. The applicants lawyer still refused to comply. An adjudicator was appointed by the Province. The applicant's lawyer was finally forced to

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comply, but this long FOI process delayed the release for 26 months until after the related Committee of Adjustment (CoA) hearing. The CoA was for "minor variance" requests related to size. It was shocking to many to see a 300% increase in size application on a sensitive site be put through a CoA process. After 26 months of waiting, the requested information was released and provided no evidence of an actual Long-Term Care facility as defined by the Long Term Care Homes Act 2007.

During that time CCKT and others collected very strong evidence that Long Term had never existed at the site. Attached is a letter from a local doctor who provided medical care for 50 years for the priests from his office in King City, but on rare occasions did on-site visits. As his signed statement states he never saw evidence of long-term care at the site. The doctor had been Director of Care at the Fog Road Long Term Care facility and held a clear understanding of the criteria defining Long Term Care. There is no evidence that King Township planning staff sought independent expert advice to review whether long-term care ever took place at this site.

In 2023 King Township staff stated that Council having previously "received" their recommendations was the same as approving their recommendations. The site plan application was never returned to Council, so the extensive public concerns were never deliberated by Council or voted on regarding the site plan.

In June 2023 site plan was granted by King Township staff.

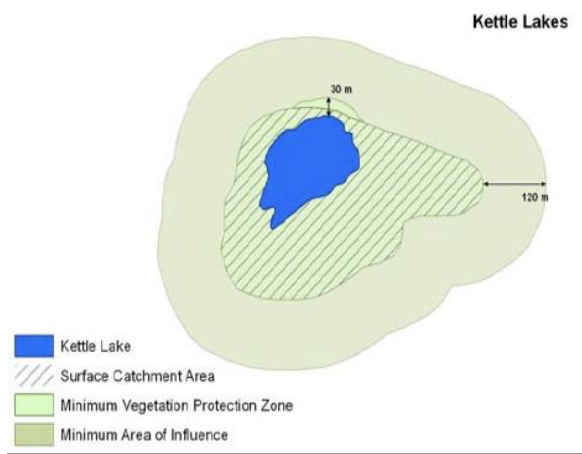
In August 2023 the building permit was granted by Township Planning staff to allow the construction of a 160 bed Long-Term Care facility to be built on sensitive Oak Ridges Moraine land between Mary Lake, a kettle lake, and designated Provincially Significant Wetlands. This new facility will be attached to part of the existing Marylake Monastery and Church.

In September 2023 CCKT and STORM sought legal advice and on the advice of the lawyer, a letter was sent to King Township Council and staff requesting a meeting. This meeting was requested so that CCKT and STORM could understand how this had happened and to seek to resolve the public's concerns. No response has been provided.

CCKT and STORM have been able to access some of the building construction files and learned of plans to discharge stormwater and contaminated groundwater to Mary Lake, a kettle lake, and to designated Provincially Significant Wetlands, even though this is not allowed and is **illegal to discharge stormwater to a kettle lake**.

Recently, both organizations sought expert opinion on the impacts of the discharges of stormwater and de-watering from a hydrogeologist. See attached report.

Application to Review King Township's Planning decision to allow/permit the construction of the St. Rita at Marylake 160 bed Long Term Care facility outside the King City settlement area on ecologically sensitive Oak Ridges Moraine land.



The plans show the project to be encroaching into the 30M Minimum Vegetation Zone of Influence setback from both the east and west sides of the building envelope. It is clear they are not respecting the required 120M from the sensitive ecological features on site. This will cause additional harm to the kettle lakes and wetlands east and west of the building, impacting the health of the wetlands, the water quality of the kettle lake and ultimately the fish in the kettle lakes. The drawing on the left is from the ORMCP showing

Drawing of setback requirement from kettle lake. Source ORMCP

4. Summary of Evidence

4(a) Provide a summary of the evidence supporting your allegation.

1. Letter from King City medical practitioner - Dr. Paul Randall: see below

Application to Review King Township's Planning decision to allow/permit the construction of the St. Rita at Marylake 160 bed Long Term Care facility outside the King City settlement area on ecologically sensitive Oak Ridges Moraine land.

Dr. Paul Randall
20 Doctor's Lane, Box 370
King City, ON L7B 1A6
T: 905-833-5381 ext 5
F: 905-833-5649

August 31, 2023

Dear Mr David Donnelly:

Having practiced for just over fifty years in King City, I am well acquainted with the Augustinian Fathers. Over the years many of the Brothers have been patients of mine; they mostly came to my office for consultation. Infrequently I have made visits to their home beside the lake.

During the course of my career I have been an Attending Physician as well as Medical Director at King City Lodge, a Long Term Care facility on Fog Road, King Township. All LTC homes in Ontario must be licenced and inspected by the Ministry of Health and Long-Term Care. Among other requirements, all must have a Medical Director as well as a Director of (Nursing) Care.

I have never seen any evidence of this at Marylake, which I feel has functioned simply as a retirement residence for their elderly Brothers and priests. While they may have hired an occasional nurse from outside, the bulk of their medical care occurred in our King City office, not on site as would always be the case in Long-Term Care in Ontario.

My conclusion is that it is a significant misunderstanding or exaggeration to characterize the retirement set up at Marylake as a "Long Term Care home".

Sincerely,



Paul I. Randall, MD CCFP

2. Summary Compliance Report

Proposed Oak Ridges Moraine Marylake Long Term Care Facility, 13760 Keele Street, King City.

Peer Review - Prepared for: Save The Oak Ridges Moraine (STORM) Coalition and Concerned Citizens of King Township (CCKT)

*Prepared by: Garry T. Hunter, M.A.Sc., P.Eng., Environmental Systems Planner, Hydrogeologist and Civil Engineer
Hunter and Associates*

January 9, 2024

Our File No.: 23-407

Application to Review King Township's Planning decision to allow/permit the construction of the St. Rita at Marylake 160 bed Long Term Care facility outside the King City settlement area on ecologically sensitive Oak Ridges Moraine land.

The factual and opinion evidence of Hydrogeologist and Civil Engineer, Mr. Garry T. Hunter, M.A.Sc P.Eng, is summarized below based on the Applicant's sometimes conflicted technical document stack.

This Summary Report is based on information available to us. There may be further undisclosed information, including drawings and specifications, that may impact our assessment and findings.

Mr. Hunter has been recognized to have unique experience in the Oak Ridges Moraine: Mr. Hunter received his Master of Applied Science degree (Civil Engineering) from the University of Toronto (and Purdue University, Indiana) in 1969 and is a registered member of the Association of Professional Engineers of Ontario.

Mr. Hunter has been specifically recognized by the Ontario Municipal Board and/or the Ontario Superior Court of Justice as an expert in law and qualified to give opinion evidence as a Civil Engineer and in the fields of air photo interpretation, geology, hydrogeology, hydrogeochemistry, the collection and mining of geographic data for hydrogeological purposes, stormwater management and solar shadowing.

During Ontario Superior Court of Justice proceedings (Feb 8 and 9, 2001), the Ministry of Municipal Affairs and Housing stated: "Mr. Hunter brings a unique ability to explain interdisciplinary co-relations and a unique experience with the area (Oak Ridges Moraine) under consideration" - Ontario (Ministry of Municipal Affairs and Housing) v. Ontario (Municipal Board).

Mr. Hunter was the Manager of the Oak Ridges Moraine Hydrogeological Study which supported the original Oak Ridges Moraine Conservation Plan regulations.

The '800 acre' Augustinian Fathers Ontario Inc lands and the Long Term Care Facility are located entirely within the Oak Ridge Moraine Conservation Plan (2017) area.

The overall site disturbance area as designated by the Applicant includes two ORMCP (2017) designations - Natural Core Area and Countryside Area (Land Information Ontario Geohub, November 1, 2023 download).

A Table of Selected Long Term Care (LTC) Elevations (meters above sea level) is enclosed, together with Selected Figures. The reader may wish to review this information prior to reading the text.

Major Development

- *The Architect's Ontario Building Matrix confirms that the existing Shrine / Monastery Complex has a floor area of 5,683 sq m with a total new area of 17,003 sq m for an increase of 300% over the existing space. This is a major development as defined in the ORMCP (2017) definitions (3.1(b)).*

"major development" means development consisting of, (pg 18) (b) the construction of a building or buildings with a ground floor area of 500 M² or more, or (500 m² = 5,381 sq ft)

- *The existing Monastery space as utilized for a Priests infirmary and other activities prior to November 15, 2001, will be partially demolished. This 2,289 sq m of demolished space*

Application to Review King Township's Planning decision to allow/permit the construction of the St. Rita at Marylake 160 bed Long Term Care facility outside the King City settlement area on ecologically sensitive Oak Ridges Moraine land.

will be directly replaced with a nearly equivalent 2,341 sq m of Monastery walkout basement space under the LTC facility.

- The Monastery Long Term Care function (if any) therefore does not extend to the proposed primary Long Term Care facility as this function has already been included within the designated new Monastery space.*
- The Applicant's proposed major institutional Long Term Care development does not comply with a number of the ORMCP (2017) small scale institutional regulations.*
- The very constrained LTC site resulted in application for a number of zoning variances during March 2023 before the major Site Plan revision of May 2023 as described below.*
- The Applicant has determined that the MAM2-2 Wetland immediately east of the proposed LTC site is an extension of the Eaton Hall - Mary - Hackett Lake Wetland Complex as designated by the Ontario Ministry of Natural Resources and Forestry.*
- This Wetland Complex extension resulted in a major revision of the Applicant Site Plans circa May 2023. Prior to May 2023 the parking lot and access road as proposed intruded into this MAM2-2 Wetland and could not comply with the ORMCP (2017) regulations.*
- This major Site Plan revision circa May 2023, also due to the constrained space available, resulted in parking lot extensions into the ORMCP (2017) Natural Core edge area but is not recognized in the Applicant documents.*
- The Applicant has proposed a default ORMCP (2017) Minimum Vegetation Protection Zone (MVPZ) of 30 m. This MVPZ includes organic soils, groundwater discharge zones and flood limits and therefore also may be considered hazard lands.*
- The ORMCP (2017) MVPZ represents a major Site Constraint for the proposed LTC and ancillary developments.*
- The Applicant's Natural Heritage Consultants have recognized that construction activities will spill over into this MVPZ and will require post construction mitigation. This is not allowed.*
- The Applicant has proposed release of stormwater onto the sloping 30 m Minimum Vegetation Protection Zone without proposals for contaminant, erosion and/or sedimentation mitigation.*
- The Applicant has not demonstrated that the 30 m Minimum Vegetation Protection Zones are sufficient and did not consider greater distances up to 120 m (ORMCP (2017) Table, pg 53).*

The Applicant has not shown how ecological (and hydrological) integrity will be maintained and where possible improving or restoring before, during and after construction with this major development (ORMCP (2017) s11.1 and 13.2).

- The proposed construction of this large scale major development will have edge effects and disturbance spill over into the ORCMP (2017) Minimum Vegetation Protection Zones (MVPZ). This spillover will be most significant where the proposed constructed engineered fill earth slopes merge with the Mary Lake 30 m MVPZ as defined by the Applicant. This spill over is further demonstrated by designated tree protection zones within the Mary Lake 30 MVPZ as shown on the Applicant's Forest Protection and Grading Plans. These tree protection zones imply construction activities are anticipated within the MVPZ areas.*
- The Applicant will have difficulty keeping all the sediment that is eroded during construction within this Major Development disturbance site and outside the Minimum Vegetation Protection Zones.*

Application to Review King Township's Planning decision to allow/permit the construction of the St. Rita at Marylake 160 bed Long Term Care facility outside the King City settlement area on ecologically sensitive Oak Ridges Moraine land.

Geotechnical Subsurface Investigations

- *The Applicant's Geotechnical Consultants (May 26, 2003) state:*

The project site is uneven, and the design grading may require ambient site grades to be raised in some areas. Consideration should be given to construction of engineered fill. The engineered fill refers to earth fill designed and constructed with a full-time inspection and testing to support the building foundations without excessive settlement. (pg 7)

It should be noted that the soils encountered on the site are generally not free draining and will be difficult to handle and compact should they become wetter as a result of inclement weather or seepage. Hence, it can be expected that the earthworks will be difficult and may incur additional costs if carried out during wet periods (i.e., spring and fall) of the year. (pg. 19)

- *The Applicant's geotechnical subsurface investigations were undertaken in May 2021 before the Architect's LTC Building Templates were developed and location proposed.*
- *This geotechnical investigation boreholes were not of sufficient depth or distribution to define the Applicant's selected LTC Site foundation characteristics. For example, the Architect recognizing its proposed partial basement, has proposed spread footings at 'different founding elevations', some of which are above ground. Similarly, the lower floor slab on grade is 'above founding ground' at some locations. The Architect's drawings do not recognize these 'above founding ground' conditions for some foundation wall spread footings and lower floor slabs.*
- *The Applicant's geotechnical consultants recommended consideration of 'engineered fills' for this irregular site topography and complex Oak Ridges Moraine difficult soil conditions. However only the Landscape Drawings show 'engineered fill' on the slopes toward Mary Lake. The Architects drawings do not show 'engineered fill' under footings and floor slabs.*
- *The lack of a comprehensive geotechnical investigation and geotechnical engineered foundation design may result in further intrusions into the MVPZ as detailed design is completed during construction. Demolition and construction activities and staging will inevitably spill into MVPZ areas.*

Hydrogeology Assessment

- *The Applicant's Hydrogeology Assessment relied on the insufficiently deep and poorly distributed May 2021 pre-design Geotechnical Boreholes. New boreholes need to be extended to below the proposed maximum depth of LTC foundation excavation and to about 5 m below the equivalent surface elevation of Mary Lake to adequately define local Site hydrogeological conditions.*
- *Multilevel piezometers should have been installed to evaluate perched and deeper groundwater conditions. Only single level piezometers were installed in 3 of 6 boreholes. No systematic four season monitoring of groundwater levels was undertaken. As a result interpretation of groundwater conditions is compromised as related to foundation conditions and ORMCP (2017) regulations.*
- *This compromise is further demonstrated by the Applicant's Phase One and Phase Two Environmental Site Assessments which installed an additional three slightly deeper and better distributed groundwater monitors and offered a contrasting site interpretation.*

Application to Review King Township's Planning decision to allow/permit the construction of the St. Rita at Marylake 160 bed Long Term Care facility outside the King City settlement area on ecologically sensitive Oak Ridges Moraine land.

Unexplained, the Applicant's Geotechnical and Environmental Site Assessments were not coordinated, neither appeared aware of the others reporting.

- The Applicant has underestimated the excavation depth to stable founding ground under the proposed LTC complex and therefore also underestimated the excavation depth below the water table, underestimated the quantity of short term construction dewatering and underestimated the quantity of long term dewatering required. The Applicant's dewatering target lowest elevation is 301.2 m asl.*

This Review equivalent lowest dewatering target elevation is about 298 m asl or 3 m lower than that of the Applicant.

- The Applicant's 50 m (rounded) Dewatering Zone of Influence is also underestimated due to the underestimate of the dewatering target elevations. The Applicant's deficient geotechnical / hydrogeological investigation depths do not permit reasonable assessments of impacts on adjacent MAM2-2 wetlands and Mary Lake.*

- More importantly, this minimum area of influence with respect to key natural heritage and hydrological features are not in compliance with ORMCP (2017) s21.(1) and 21.(2).*

- Nevertheless, the Applicant has determined that MECP Permits to Take Water will be required for both short term construction dewatering and long term building site dewatering. A Construction Dewatering Assessment Report will also likely be required considering the Applicant's underestimate of the dewatering target elevations. This will require installation of additional deeper strategic multi-level groundwater monitors if this project proceeds.*

Stormwater Management

- The constrained LTC Site, extensive roof and pavement areas do not permit utilization of conventional stormwater management systems.*

- The Applicant has proposed permeable pavements in parking lots but at the same time the geotechnical consultant in apparent contradiction proposes under pavement piped drainage systems.*

- Due to space constraints, the Applicant has proposed an under parking lot primary stormwater storage/ recharger system with westerly overflow to Mary Lake, a Kettle Lake and a secondary stormwater storage / recharger system with easterly overflow to the MAM2-2 Wetland Complex with ultimate discharge to Lake Seneca east of Keele Street.*

Long term building basement dewatering is also proposed to be discharged through these storage / recharger systems.

- Performance criteria provided by the Applicant indicate that the storage / recharger system does not meet minimum detention times or the 80% criteria for removal of suspended sediment except at very low flows. Criteria exceedances are indicative of adverse impacts.*

- Parking lot runoff is well known to contain road salts, tire residues, petroleum residues and other contaminants. No specific treatments are proposed by the Applicant.*

- The Applicant's Hydrogeology Consultant based on Phenols exceeding 8x and Suspended Sediments at more than 13x for groundwater sampled at BH1 has concluded that the site dewatering does not meet criteria for discharge into York Region's Storm Sewer System. Therefore, it may also be concluded that site dewatering is not of suitable quality for discharge into a Kettle Lake and immediately adjacent to the existing Shrine Monastery Complex potable water supply intake.*

Application to Review King Township's Planning decision to allow/permit the construction of the St. Rita at Marylake 160 bed Long Term Care facility outside the King City settlement area on ecologically sensitive Oak Ridges Moraine land.

- *By comparison, the Canadian Council of Ministers of the Environment (1999) specified Water Quality Guidelines for Mono- and Dihydric Phenols for the protection of aquatic life at 4.0 µg/L compared to the Applicant 66 µg/L observed at BH-1. This criteria exceedance of 16.5x indicates adverse impacts on aquatic life when dewatering is released to Mary Lake.*
- *This groundwater, however, does meet criteria for discharge into York Region's Sanitary Sewers. However, discharge to the Sanitary Sewer Systems is contrary to Region's ongoing substantial efforts to reduce inflow / infiltration into Region's Sanitary Sewer and Treatment Systems and is unlikely to be approved.*
- *Despite not even meeting York Region's Storm Sewer criteria, the Applicant's combined storm sewer and building foundation dewatering is proposed to be discharged to Mary Lake immediately adjacent to the existing Mary Lake potable water intake that has traditionally supplied the Shrine / Monastery Complex, public washrooms, The Sir Henry Pellatt Barn and ancillary staff and priest residences to the northeast of the barn. The Applicant has not located this water distribution system and how it will be protected during LTC construction.*
- *The Applicant is proposing to discharge Storm Water directly into Mary Lake, a Kettle Lake and indirectly into Lake Seneca, also a Kettle Lake. This discharge is directly contrary to the ORMCP 2017 Regulation 45.(7).*
- *The Applicant's proposal to discharge stormwater through a 0.3 m wide 5 m long earth weir level spreader into the 30 m MVPZ of Mary Lake and is equivalent to direct discharge into Mary Lake.*
- *Furthermore, the proposed Storage / Recharger stormwater management system may also function as a Rapid Infiltration Basin. The Applicant's Geotechnical and Hydrogeological Assessments are not adequate to define this recharge function. The Phase Two Environmental Site Assessment supports this recharge interpretation. ORMCP (2017) Regulation 47.(1) and 47.(2) prohibit Rapid Infiltration Basins.*
- *The Applicant has not demonstrated that the objectives of the stormwater management plans have been achieved (ORMCP 2017 s46.(1) and s46.(2)).*

Excess Soil and Fill

- *The Applicant does not provide estimates of quantities of soils to be excavated and disposed off or on site. Excess soil may include Topsoil, prior fill, difficult to compact fine textured wet soils and weak organic soils.*
- *The Applicant has not addressed locations for excess soil storage on this constrained site (ORMCP (2017) s36.1).*

Sewer and Water Service Trenches

- *The Applicant has not demonstrated that sewer and water service trenches as extended from the proposed LTC site to 15th Sideroad will maintain ecological and hydrological integrity and keep disruption of natural groundwater flow to a minimum.*
- *No natural heritage surveys, subsurface geotechnical investigations or hydrogeological assessments of these service trench routes has been undertaken (ORMCP (2017) s43(1)(a), 43(1) (b) and 43(2)).*

Applicant Contractor Tender Packages

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- *The Applicant's various Reports and Drawings do not specify the Canadian Geodetic Vertical Datum (CGVD 2013, CGVD 28:78 or CGVD28) employed. There is a significant probability that 'mixed' elevation datums are being employed in the document stack.*
- *The Applicant Project Specifications (Architect's Project Manual) of August 22, 2023 makes available to contract bidders the following specific supporting Report versions - December 20, 2022 Geotechnical Investigation; December 15, 2022 Tree Inventory and Preservation Plan; March 21, 2023 Hazardous Building (Monastery Demolition) Materials Surveys and March 3, 2023 Hydrogeological Assessment.*
- *All of the above report versions except the Hazardous Materials Report are obsolete, out of date and based on Site Plans with Parking Lot and Access Roads intruding into the Eaton Hall- Mary – Hackett Lake Wetland Complex and the related 30 m MVPZ as determined by the Applicant's own consultants.*
These Reports apparently unknown to the drafters of the Architect's Project Manual (Contract Specifications) have been superseded. Based on this version list, the owner has not fulfilled its obligation to disclose all current project information to bidders.
- *The Architect's Key August 2023 Tender Package Drawings are only available to Contract Bidders and are not accessible to this Review.*
- *The Architect Drawings in the July 14, 2023 Tender Package include foundation plans (spread footings and walls) but do not reference 'Engineered Fill' support where footings and lower floor slabs are at higher elevations than competent native 'founding ground'.*
- *This July 14, 2023, Tender Drawing Package also does not include the July 18, 2023 Erosion and Sediment Plan Stage 1 (ESC-1) and July 18, 2023 Erosion and Sediment Control Plan (ESC-2) from the Applicant's Servicing and Stormwater Management Report. These omitted plans contain details of Page Wire and Sediment Control Fencing at the 30 m Minimum Vegetation Protection Zone limit and imply the costly restriction of contractor activity on this proposed constrained Long Term Care Site. Without these documents, how does the contract bidder know of the difficult site restrictions?*
- *The ill-advised Tender Packages as accessible to this Review provide little confidence that the selected contractors have been advised of the proposed sediment control fences as disturbance activity constraints and will be appropriately penalized for spill over encroachments and impacts into the 30 Minimum Vegetation Protection Zones as established by the Applicant.*
- *Full disclosure of the current contract tender packages, including drawings and specifications, are necessary to equitably complete this Review. These tender packages may impact our assessment and findings.*

Garry T. Hunter, M.A.Sc., P.Eng.

President

Hunter and Associates

Enclosures: 1) Table 1: Selected Long Term Care Facility Site Elevations

2) Selected Illustrated Long Term Care Facility Figures

Hunter and Associates January 9, 2024 9.

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January 4, 2024

Application to Review King Township's Planning decision to allow/permit the construction of the St. Rita at Marylake 160 bed Long Term Care facility outside the King City settlement area on ecologically sensitive Oak Ridges Moraine land.

Our File No.: 23-407 Hunter and Associates

Table 1: Selected Long Term Care Facility Site Elevations (Canadian Geodetic Vertical Datum)

Elevation (m asl) Reference Hunter Figure CGVD28 (1), (2) CGVD2013

Top of Elevator Shaft.	321.45	July 7, 2023	Dwg A553	2.10
Top of Roof Parapet (LTC)	320.4	July 7, 2023	Dwg A553	2.10
Top of Roof Slab (LTC)	319.53	May 31, 2023	Dwg S4.01	2.11
Third Floor Roof Slab (LTC)	315.57	May 31, 2023	Dwg S4.01	2.11
Second Floor Roof Slab (LTC)	311.61	May 31, 2023	Dwg S4.01	2.11
Welcome Centre Floor (Shrine)	307.65	July 18, 2023	SCS GR-1 (2)	2.3
First Floor Slab (LTC)	307.65	July 18, 2023	SCS GR-1	2.3
Under Surface of Footing (LTC) (No Basement)	305.0	May 31, 2023	Dwg S4.01	2.11
Partial Basement Slab (LTC)	303.69	July 18, 2023	SCS GR-1	2.3
Water Leel BH1(May 29, 2023)	303.59	Hydrogeological Assessment, June 21, 2023		3.4.1
Base of Armor Stone Retaining Wall (LTC) on Engineered Fill	302.92	SGL Dwg L1-3 (no date)		2.13
Under Surface of Footing (LTC) (Partial Basement)	302.49	May 31, 2023	Dwg S4.01	2.11
Rear Elevator Concrete Floor (LTC)	302.17	July 7, 2023	Dwg A553	2.10
Base of West Retaining Wall (LTC)	301.61	July 18, 2023	SCS GR-1	2.3
Base of BH3	301.0	Hydrogeological Assessment, June 21, 2023		3.4.3
Rear Elevator Excavation Base (LTC)	300.97	Estimated (Hunter)		2.10
Existing Lower Basement (Monastery)	300.74	July 7, 2023	Dwg A401	2.9
Bottom of Stone CULTEC Recharger	300.36	July 2023	SCS Fig S-1 Servicing Plan 1	3.10
Lowest Existing Ground under Building Template (LTC) (west side)	300.07	299.7	Geohub LiDAR DTM	5.3
Base of Engineered Slope to Mary Lake 30m MVPZ	300±	July 18, 2023	SCS GR-1	2.3
Water Level BH6 (May 29, 2023)	299.76	Hydrogeological Assessment, June 21, 2023		3.4.6
Water Level BH4 (May 29, 2023)	299.15	Hydrogeological Assessment, June 21, 2023		3.4.4
Lowest Engineered Fill	299.0	Estimated (Hunter) Base of BH6	298.1	Hydrogeological Assessment, June 21, 2023 3.4.6
Target Dewatering Elevation.	298.0	Estimated (Hunter)		
Mary Lake (2017) Water Level.	297.1	296.7	Geohub LiDAR DTM	1.2
Base of BH1.	297.0	Hydrogeological Assessment, June 21, 2023		3.4.1
Base of BH4 (Groundwater Monitor)	296.7	Hydrogeological Assessment, June 21, 2023		3.4.4
(1) CGVD28=CGVD2013+0.372 (Canadian Geodetic Survey, Station 31U478S)				
(2) Elevations are derived from the Regional Municipality of York Benchmark No. 70-111 (CGVD28 -Assumed).				

5. Contacts Previous contact with the any ministry or with an officer of the Legislative Assembly

1. ADM Brian Pollard — Ministry of Long Term Care Tel. # — 416-212-9096

- Public Consultation — Deputation, March 2023
- FOI — Mariann Home Project submitted Oct 2023 due Jan 2024
- FOI — St. Rita at Marylake Project submitted Oct 2023 due 2024

2. ADM Hannah Evans — Ministry of Municipal Affairs and Housing

Tel. # — 416-585-6427

- FOI — St. Rita at Marylake Project submitted Oct 2023 update due Jan. 2024

Application to Review King Township's Planning decision to allow/permit the construction of the St. Rita at Marylake 160 bed Long Term Care facility outside the King City settlement area on ecologically sensitive Oak Ridges Moraine land.

3. ADM Sean Fraser — Ministry of Municipal Affairs and Housing

Tel. # — 416-515-5799

- emails on conformity of King Township bylaws with ORMCP

submitted Dec 11, 2023 — communication in process

4. Commissioner David Wake KC — Office of the Integrity Commission of Ontario Tel. # — 416-314-8983

- Email submitted Friday Dec. 15, 2023 — communication in progress

5. Information and Privacy Commission —Ministry of Government and Consumer Services:

-Coordinator, Chris Anzenberger

-Adjudicator Truong

-Mediator Kim

Tel # — 416-326-3333

-FOI —IPC Appeal MA 21-00423 submitted April, 2021

-FOI —IPC Appeal MA 21-00423 approved May, 2023

-FOI —IPC Appeal MA 21-00426 submitted April 2021

-FOI —IPC Appeal MA 21-00426 approved May, 2023

6. Long Term Care License Consultations c/o Hill & Knowlton Strategies carried out in June 2023 via an online public consultation and submitted written submissions re proposed St. Rita- Mary Lake LTC Home- King City- Project # 24-007. Results of this consultation unknown.

7. FOI question request to Ministry of Municipal Affairs October, 2023 sent by Geoff Simpson, Concerned Citizens of King Township board member.

I am writing to seek clarification and vital information regarding King Township Conformity Bylaw (2005-23), which was purportedly passed by the King Township Council in 2005 with the objective of aligning local legislation with the Oak Ridges Moraine Conservation Plan (ORMCP). It has come to my attention that while the Bylaw was approved at the municipal level, it may not have been formally endorsed or signed by the Ontario Ministry of Municipal Affairs and Housing. The ambiguity surrounding the status of the Bylaw raises pivotal questions about its legal efficacy and the potential implications on ongoing and future developments within King Township. Does the absence of a formal signature from the Ministry invalidate or

Application to Review King Township's Planning decision to allow/permit the construction of the St. Rita at Marylake 160 bed Long Term Care facility outside the King City settlement area on ecologically sensitive Oak Ridges Moraine land.

otherwise impact the legitimacy and applicability of the Bylaw? Furthermore, if Bylaw 2005-23 is not in effect, does this revert the applicable legislation to the previous Bylaw 74-53, which as per my understanding, does not adhere to the directives of the ORMCP? Your guidance and detailed information regarding the legislative procedure, particularly the ramifications of a Bylaw not being sanctioned by the Ministry, and the resultant legal and regulatory scenario in such cases, would be invaluable. Your timely response to this query will assist in clarifying the regulatory landscape for both residents and developers within King Township and ensure alignment with conservation objectives.

Response received January 12. 2025 from Malek, Patrycja (MMAH) <Patrycja.Malek@ontario.ca> on behalf of Admin, MSOC (MMAH) <MSOC.Admin@ontario.ca> and Miller, Laurie (MMAH) <Laurie.Miller@ontario.ca>; Min Info (MMAH) <MinInfo@ontario.ca>

Hello Mr. Simpson,

Thank you for contacting us with your inquiry.

Land use planning in Ontario is a policy led system under which the provincial government sets out the legislative and policy framework and municipalities are the key implementers. Although the Oak Ridges Moraine Conservation Plan is a provincial plan, its policies are implemented locally through municipal planning documents, such as official plans and zoning by-laws.

In accordance with the Oak Ridges Moraine Conservation Act, the Oak Ridge's Conservation Plan prevails in the case of a conflict between the Plan and an official plan or zoning by-law, and further, decisions made under the Planning Act by the municipality or the Ontario Land Tribunal are required to conform with the Oak Ridges Moraine Conservation Plan.

Please note that no decision was made by the Minister of Municipal Affairs and Housing in regard to Zoning By-law 2005-23, as passed by the Township of King on March 7, 2005. Since that time, the Township has undertaken a number of subsequent updates to both its urban and rural zoning by-laws, the most recent being the approval of the new Countryside Zoning By-law 2022-053.

As local municipalities are responsible for the administration and implementation of their zoning by-laws, you are encouraged to contact the Township of King at 905-833-5321 or schedule an appointment with municipal planning staff [here](#), to learn more about the current status of zoning provisions or to speak to the specifics of zoning requirements for a specific property.

Application to Review King Township's Planning decision to allow/permit the construction of the St. Rita at Marylake 160 bed Long Term Care facility outside the King City settlement area on ecologically sensitive Oak Ridges Moraine land.

Regards,
Municipal Service Office Central Region – Planning Team

Sworn Statements – see below

1(c) Corporate Applicant

Save the Oak Ridges Moraine Chair
Name of Corporation Name of Officer or Corporate Officer
45 Crows Pass Port Perry ONTARIO
Address City Province
L9L 1V9 416 533-1461
Postal Code Telephone
rmwibrown@gmail.com
e-mail address

Declaration of Incorporation in Ontario:

The Save the Oak Ridges Moraine an Ontario or Canadian Federal
(Name of Corporation)
Corporation, carrying on business with its head office in Ontario established by articles of incorporation in 08/1990
(Incorporation Date)
January 7th 2024 Robert Brown, Chair
(Date) (Name of Officer and Position)
ON: 847035 [Signature]
(Company Number) (Signature)

AFFIDAVIT

Respecting an Application to Review King Township's Planning Decision to permit the construction of a 160-bed long term care facility in King Township, Ontario on the lands of the Augustinian Fathers of Ontario, adjacent to Mary Lake, King, Ontario, Regional Municipality of York.

I, Robert Murray William Brown, a Canadian citizen, residing at 127 Brock Street East, Unbridge, Ontario, hereby MAKE OATH and SWEAR as follows:

1. I am the duly elected and current chairperson of Save the Oak Ridges Moraine ("STORM"), an incorporated not-for-profit corporation in Ontario.
2. I am a resident of Ontario.
3. I have reviewed the attached *Application to Review King Township's Planning Decision* dated January 6, 2024.
4. I hereby state, that the facts referred to in the attached Application are true and correct to the best of my knowledge.
5. On behalf of STORM, I approve the submission of the Application pursuant to the provisions of the Environmental Bill of Rights, 1993, S.O. 1993, c. 28

Sworn/Affirmed before me at the Regional)

Municipality of York in the Province of)

Ontario on this 8th day of January 2024)

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Signature: Robert Murray William Brown

Samuel Mark Berman

Application to Review King Township's Planning decision to allow/permit the construction of the St. Rita at Marylake 160 bed Long Term Care facility outside the King City settlement area on ecologically sensitive Oak Ridges Moraine land.

1(c) Corporate Applicant

Concerned Citizens of King Township Chair
Name of Corporation Name of President of Corporation (Owner)
115 Clearview Heights, King City, ONTARIO
Address
L7B 1H6 (905) 833-3272
Postal Code Telephone
bruce.craig@sympatico.ca
e-mail address

Declaration of Incorporation in Ontario:
 The Concerned Citizens of King is an Ontario or Canadian Federal
(Name of Corporation) Township
 Corporation, carrying on business with its head office in Ontario established by articles of incorporation in March 1990
(Month, Year)
January 7, 2024 J. Bruce Craig, Chair
(Date) (Name of Officer and Position)
OCN: 831998 J. Bruce Craig
(Company Number) (Signature)

AFFIDAVIT

Respecting an Application to Review King Township's Planning Decision to permit the construction of a 160-bed long term care facility in King Township, Ontario the lands of the Augustinian Fathers of Ontario adjacent to Mary Lake, King, Ontario, Regional Municipality of York.

I, James Bruce Craig, a Canadian citizen, residing at 115 Clearview Heights, King City, ON, hereby Solemnly Affirm as follows:

1. I am the duly elected and current chairperson of Concerned Citizens of King Township ("CCKT"), an incorporated not-for-profit corporation in Ontario.
2. I am a resident of Ontario.
3. I have reviewed the attached *Application to Review King Township's Planning Decision* dated January 6, 2024.
4. I hereby state, that the facts referred to in the attached Application are true and correct to the best of my knowledge.
5. On behalf of the CCKT I approve the submission of the Application pursuant to the provisions of the Environmental Bill of Rights, 1993, S.O. 1993, c. 28

Sworn/Affirmed before me at the Regional)
 Municipality of York in the Province of)
 Ontario on this 6th of January 6, 2024)
)
)
 Samuel Mark Berman)

J. Bruce Craig
 Signature: James Bruce Craig

Appendix 3: MECP Response

Ministry of the Environment,
Conservation and Parks
Drinking Water and Environmental
Compliance Division
8th Floor
135 St. Clair Avenue West
Toronto ON M4V 1P5
Phone: (416) 314-6378
Fax: (416) 314-3986

Ministère de l'Environnement, de la
Protection de la nature et des Parcs
Division de la conformité en matière d'eau
potable et d'environnement
8^e étage
135, avenue St. Clair Ouest
Toronto (Ontario) M4V 1P5
Tél: (416) 314-6378
Télé: (416) 314-3986



June 18, 2024

Robert Brown (Chair)
Save the Oak Ridges Moraine (STORM)
45 Crows Pass
Port Perry ON L9L 1V9
rmwbrown@gmail.com

And

Bruce Craig (Chair)
Concerned Citizens of King Township (CCKT)
115 Clearview Heights
King City ON L7B 1H6
brucecraig@sympatico.ca

Dear Robert Brown and Bruce Craig:

RE: RE: File No. 24EBR001.I
Application for Investigation of Alleged Contraventions by The Township of King.

Thank you for your Application for Investigation submitted under Part V of the Environmental Bill of Rights, 1993 (EBR).

The minister's power to administer Part V of the EBR has been delegated to the deputy minister of the MECP and every assistant deputy minister of the Ministry of the Environment, Conservation and Parks (MECP).

The MECP acknowledged receipt of the above referenced application. In accordance with s. 77 (1) of the EBR, MECP undertook an investigation of the contraventions alleged in the application that were within the scope of Part V of the EBR, as explained in the Notice of Investigation Outcome enclosed. The MECP did not identify any contraventions of the Environmental Protection Act or Ontario Water Resources Act because of the investigation. MECP has determined that the results of the investigation do not demonstrate any compliance or enforcement action is necessary currently.

Please find enclosed a copy of the ministry's Notice of Investigation Outcome which includes additional details regarding the ministry's investigation.

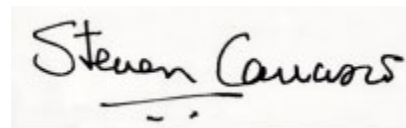
Robert Brown and Bruce Craig
Page 2.

We appreciate the time and effort that you have invested in this matter, and we thank you for your application. For questions about the investigation, please contact Celeste Dugas, District Manager at the York Durham District Office, at (905) 442-3105 or celeste.dugas@ontario.ca.

In the event, that you have any questions regarding the EBR process, please contact Scott Shaw, Policy Advisor in of the Environmental Bill of Rights Office, at (416) 314-2386 or scott.shaw@ontario.ca.

Thank you again for your application.

Yours sincerely,

A handwritten signature in black ink that reads "Steven Caruso". The signature is written in a cursive style with a horizontal line underneath the name.

c: S. Shaw, Environmental Bill of Rights Office
C. Dugas, York Durham District

Notice of Investigation Outcome Part V, Environmental Bill of Rights

Application: File No. 24EBR001.I - Application for Investigation of Alleged Contraventions by The Township of King.

Issue: The Application alleges that The Township of King (township) has contravened sections of the Environmental Protection Act (EPA), Ontario Water Resources Act (OWRA), Federal Fisheries Act, Provincial Policy Statement 2020 issued under the Planning Act, and the Oak Ridges Moraine Conservation Act. The contraventions are alleged to have occurred by the township deciding to permit the construction of a Long-Term Care facility (the proposed facility) outside the King City settlement area.

Summary of Request

The application names the Township of King as the alleged contravener and makes the following assertions:

The township is permitting a large-scale development on the Oak Ridges Moraine, outside the King City settlement area in King Township.

- The application asserts that the proposed facility should not proceed because the construction and operation of the proposed facility will result in the discharge of stormwater and other contaminants into Mary Lake and Lake Seneca and might disturb or harm designated Provincially Significant Wetlands.
- The applicants cite:
 - Section 14 (1) of the EPA.
 - Sections 1 (Deemed impairment), 29 (Supervision of waters) and 30 (Discharging of polluting material prohibited) of the OWRA.
 - Sections 26 and 45 (7) of Ontario Regulation 140/02 under the Oak Ridges Moraine Conservation Act, 2001.
 - Section 5.2 of the Oak Ridges Moraine Conservation Plan Technical Paper. Series 12 - Hydrological Investigations for Hydrologically Sensitive Features.
 - Section 2.1 - Natural Heritage of Provincial Policy Statement 2020 under the Planning Act.
 - Subsection 36 (3) of the federal Fisheries Act.

The proposed facility involves expanding the existing shrine / monastery complex on the Oak Ridges Moraine near the edge of Mary Lake.

- The application alleges that the expansion will result in contaminated stormwater and groundwater discharging into Mary Lake and Lake Seneca and wetlands.
- The applicants cite:
 - Section 14 (1) of the EPA.

- Sections 1 (Deemed impairment), 29 (Supervision of waters) and 30 (Discharging of polluting material prohibited) of the OWRA.
- Sections 26 and 45 (7) of Ontario Regulation 140/02 under the Oak Ridges Moraine Conservation Act, 2001.
- Section 5.2 of the Oak Ridges Moraine Conservation Plan Technical Paper. Series 12 - Hydrological Investigations for Hydrologically Sensitive Features.
- Section 2.1 - Natural Heritage of Provincial Policy Statement 2020 under the Planning Act.
- Subsection 36 (3) of the federal Fisheries Act.

The application states that the township issued a site plan approval and building permit without proper assessment and consideration of nearby kettle lakes and surrounding designated Provincially Significant Wetlands.

- The applicants cite:
 - Sections 26 and 45 (7) of Ontario Regulation 140/02 made under the Oak Ridges Moraine Conservation Act, 2001.
 - Section 5.2 of the Oak Ridges Moraine Conservation Plan Technical Paper Series 12 - Hydrological Investigations for Hydrologically Sensitive Features.
 - Section 2.1 Natural Heritage of Provincial Policy Statement 2020 under the Planning Act).

The application states that there have been irregularities surrounding the township's planning decision, and there is long-standing public concern about the intention of the applicant to develop this site.

- The applicants cite:
 - Sections 26 and 45 (7) of Ontario Regulation 140/02 under the Oak Ridges Moraine Conservation Act, 2001.
 - Section 5.2 of the Oak Ridges Moraine Conservation Plan Technical Paper Series 12 - Hydrological Investigations for Hydrologically Sensitive Features.
 - Section 2.1 Natural Heritage of Provincial Policy Statement 2020 under the Planning Act).

Ministry Assessment

Some of the application is beyond the scope of Part V of the EBR. Part V of the EBR only applies in relation to alleged contraventions under certain prescribed provincial acts, regulations, and instruments. Namely, Sections 9(1), 10 and 11 of O. Reg. 73/94 made under the EBR prescribe the acts, regulations, and instruments to which Part V of the EBR apply.

The Oak Ridges Moraine Conservation Act and the Planning Act are not prescribed acts for the purposes of Part V. The Oak Ridges Moraine Conservation Plan Technical

Paper Series 12 and the Provincial Policy Statement 2020 are not prescribed instruments for the purposes of Part V. Therefore, the alleged contraventions of these acts and instruments are beyond the scope of the duty to investigate under Part V of the EBR.

The EBR does not apply to federal statutes. Therefore, the alleged contravention of the Fisheries Act is beyond the scope of the duty to investigate under Part V of the EBR. The EPA and OWRA are prescribed for the purposes of Part V. Therefore, the alleged contraventions in respect of these two statutes are the only allegations that are 'in scope' of Part V of the EBR.

The ministry's investigation was limited to the allegations made under the EPA and OWRA.

Investigation Summary

Ministry staff undertook the following actions to investigate the allegations:

- Staff attended the location of the proposed facility on February 6 and May 7, 2024. On both occasions, ministry staff did not observe any incidences of non-compliance, nor any contraventions of the EPA or the OWRA associated with the proposed facility.
- Staff conducted a thorough search of government records associated with the property and the property owner. Ministry staff did not identify any records indicating that a contravention of the OWRA or EPA has or is occurring at the site.

On May 28, 2024, the ministry investigation concluded with the findings that there are no historical or ongoing contraventions of the EPA or OWRA.

Outcome

As a result of the investigation, ministry staff will take the following actions to ensure all parties are aware of their obligations to comply with the EPA and OWRA.

- The ministry will inform the township, the property owner, property developer, and its consultants in writing of the requirements under Part X - Spills of the EPA, potential obligations under the OWRA for stormwater management, and obligations under the Endangered Species Act.
- The ministry will make a recommendation to the property owner, property developer, and its consultants to implement a communication plan to ensure all relevant stakeholders, including the Region of York, Toronto Region Conservation Authority, and the ministry are kept apprised of the project status.

Conclusion

The ministry has determined the results of the investigation do not demonstrate any compliance or enforcement action is necessary currently.

Appendix 4: Correspondence with PAUL KULYK

RE: Questions from Bruce Craig

To: 'James Bruce Craig';

21/05/24 14:42

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Hi Bruce,

I have now heard back from our Engineering staff with respect to your questions.

Please find their responses below.

1. What is the current plan for dewatering on the site and where will the water be discharged?

The foundation drainage is proposed to discharge through the on-site stormwater management system and ultimately to Mary Lake. TRCA reviewed the matter of dewatering in the context of their regulation (Ontario Regulation 166/06). TRCA concluded that The Hydrogeological Assessment presented did not identify potential impacts to regulated features, given the depth of construction dewatering and the footing elevations relative to Mary Lake. TRCA furthered that in addition to the Hydrogeological Assessment, the Natural Heritage Evaluation (NHE) submitted in support of the development also did not identify potential impacts to nearby wetlands during or post-construction.

2. Are specific permits required for the dewatering (permit taking) and for the discharge of this water?

Given the proposed dewatering volume, an Environmental Activity and Sector Registry (EASR) for the short term dewatering and Permit to Take Water (PTTW) for long term dewatering from the Ministry of Environment, Conservation and Parks will be required.

3. If so, have permits been issued for the short term and long term?

We have not been made aware if the Owner has obtained the dewatering permits.

4. Who issues the permits?

The Ministry of Environment, Conservation and Parks is responsible for the issuance of EASR and PTTW permits.

5. Regarding storm water on site, what is the current plan for discharge of stormwater?

The development is subject to stormwater management requirements governed by TRCA and the Township. Majority of the site is proposed to drain toward an underground stormwater facility that will provide quantity control to the pre-development level and quality treatment, ultimately discharging to Mary Lake. The proposed building courtyard area will also be subject to quantity control in a separate underground stormwater facility and then discharge to a wetland on-site. Permeable pavements are proposed to promote infiltration and is anticipated to meet water balance requirement by achieving 99.9% of the pre-development infiltration volume.

6. Are permits required, and if so, who issues the permits?

The TRCA issues permit, and Township would provide acceptance with the stormwater management design separately. It should be noted that the TRCA and Township have different but non-conflicting stormwater management requirements.

7. Considering the long term water balance, will studies be required to monitor lake and wetland water levels?

The Township will not be monitoring lake and wetland. We are also not aware of TRCA requiring any monitoring for this site.

Thank you.

Paul

PAUL KULYK, BES

Senior Planner | Growth Management Services

2585 King Road, King City, Ontario L7B 1A1

t: 905-833-5321 ext. 4063 | king.ca

Appendix 5: AFFIDAVIT OF MARK HEATON, ECOLOGIST

AFFIDAVIT OF MARK HEATON, ECOLOGIST

**I, Mark Heaton, of the Town of Belfountain, in the Province of Ontario,
MAKE OATH AND SAY:**

1. I am a retired Ministry of Natural Resources and Forestry (“MNRF”) Fish and Wildlife Biologist with over thirty (30) years of experience.
2. During my career, I conducted numerous fisheries surveys throughout the Greater Toronto Area including Mary Lake and its tributary in King Township.
3. Since retiring from the MNRF, I have worked as a consultant. A copy of my *Curriculum Vitae* is attached.
4. I was retained by Concerned Citizens of King Township (CCKT) and Save the Oak Ridges Moraine (STORM) to confirm the species of fish inhabiting Mary Lake, King Township.

SUMMARY OF FINDINGS:

5. Historic field collection records and aquatic resource area datasets were obtained through the Ministry of Natural Resources and Forestry and the Ontario GeoHub.
6. This record search included my field collection records from 1997.
7. Species found within the Mary Lake catchment include
 - Northern Pike
 - Brown Bullhead
 - Yellow Perch
 - Largemouth Bass
 - Rock Bass
 - Pumpkinseed
 - Blacknose Dace
 - Creek Chub
 - Iowa Darter
 - White Sucker

CURRICULUM VITAE

MARK GEOFFREY HEATON

I am a retired Fish and Wildlife Biologist after working 34 years for the Ministry of Natural Resources and Forestry. My primary expertise relates to fish, wildlife and wetlands management within the Credit, Rouge, Don and Humber River watersheds. I have reviewed and evaluated development and resource planning proposals under the Endangered Species Act, Planning Act, the Lakes and Rivers Improvement Act, Public Lands Act, Aggregate Resources Act and the Environmental Assessment Act to identify potential conflicts with Provincial and Ministry fisheries, wildlife and wetlands programs and policies. I provided similar review and evaluations under the habitat provisions of the Federal Fisheries Act until September 1997.

Assessment of proposals were based on the implementation of legislation, policy, strategies, objectives and guidelines such as the federal Fisheries Act, the Provincial Fish Strategy, Provincial Policy Statement, Species Recovery Plans and relevant Watershed Fisheries Management Plans. I have provided recommendations to avoid or mitigate potential impacts that can result from subdivision development and road construction activities on fish and wildlife corridors and associated habitats. I have been involved with the development of natural heritage systems through municipal planning. I have reviewed applications to alter watercourses under the Lakes and Rivers Improvement Act and Endangered Species Act. In addition, I have managed several multi-year stream and wetland rehabilitation projects within the Greater Toronto Area. My experience as a Fish and Wildlife Biologist in MNRF's Aurora District and applied knowledge of impact assessment, site remediation and mitigation techniques has provided me with a thorough understanding of the environmental impacts associated with development projects, aggregate extraction and large scale highway construction projects.

Throughout my career with the Ministry of Natural Resources, I received extensive training and experience in wetlands evaluation and restoration, natural heritage systems planning, significant wildlife habitat and species-at-risk. I have received training and experience in the chemical immobilization of wildlife and problem black bear management. I have been involved with several studies related to White-tailed Deer including the identification and assessment of wintering habitat using provincial guidance documents and criteria, assessing incidence of motor vehicle collisions and population abundance.

MNRF CAREER HISTORY

Fish and Wildlife Biologist	October 1992 to June 2020
Fish and Wildlife Habitat Protection Officer/Biologist	October 1991 - October 1992
Hatchery Development Biologist	January 1991 to October 1991
Fish Culture Technician	June 1985 to January 1991

EDUCATION

1982 - 1989 Bachelor of Science
University of Western Ontario, London, Ontario

AWARDS

2000 P.R.I.D.E. Award
Ontario Peregrine Falcon Recovery Program
presented by OMNR

1999 Rouge Park Natural Heritage Award
presented by the Rouge Park

1999 Toronto Remedial Action Plan
Award of Excellence in Habitat
(Rouge River Marshes Rehabilitation Initiative)
presented by the Toronto RAP committee

1998 Roderick Haig Brown Award
for Outstanding Achievements in Fish Habitat Conservation
presented by Izaak Walton Fly Fishers Club

1997 Chair's Award for Outstanding Achievements in River Conservation
presented by Ontario Streams

2006 Rick Morgan Professional Award
presented by the Ontario Federation of Anglers and Hunters

2010 Friends of the Credit Conservation Award of Distinction
presented by Credit Valley Conservation

2017 Latornell Leadership Award
presented by Conservation Ontario