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May 9, 2012

Ms. D. McAlpine  
Clerk  
City of Barrie  
P.O. Box 400  
70 Collier St.  
Barrie, Ont.  
L4M 4T5

dmcalpine@barrie.ca

Dear Ms. McAlpine:

We are the solicitors for 1291264 Ontario Limited, the developer of certain lands in the City of Barrie which are part of the Ardagh Secondary Plan and known in part as Block 203 on Plan 51M-771.

Our client applied to the City with respect to paragraph five of Schedule H of the Subdivision Agreement with respect to these lands. That section gives the City a "first right of refusal" to acquire Block 204 within the subdivision in the event that the School Board does not require same.

In discussions that were had between our client and City staff it was determined that the City did not want to exercise its right of first refusal. However, at the Council meeting held on Monday May 7<sup>th</sup>, where our client asked for a formal waiver of the City's right, it was only given conditionally on our client agreeing to a limit on the zoning of its property such as to permit only single family homes.

The subdividers agreement, which was drafted by the City, is very explicit in its terms. The City has a right to either purchase the lands or waive its right to purchase same. There is no provision in the agreement that allows the City to put conditions on its waiver.

Accordingly, we request a deputation to address Council on this issue. Our position is that Council must, by the terms of its own agreement, take one position or the other. It must either agree to purchase the land from our client or waive its right to do so. To attach a condition which implies restrictions which should only be permitted after a Planning Act application, or any conditions whatsoever, is not authorized by the very terms of the City's own agreement.

We would appreciate if you would confirm our deputation for Monday May 14th and advise us of the approximate time.

Yours very truly



E. Marshall Green

EMG/sor

c.c.

Mr. G. Cameron

Mr. D. Vella

Mr. F. Montagnese