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April 29, 2022

The Honourable Doug Ford
Premier of Ontario
Legislative Building
Queen's Park
Toronto ON M7A 1A1
premier@ontario.ca
doug.fordco@pc.ola.org

By e-mail

Re: Kanata Golf Course

Premier Ford,

On behalf of Ottawa City Council, I am writing to formally request that the Province of Ontario fully support the City in proceedings related to the conservation of the Kanata Golf Course green space and protection of the 1981 Agreement.

It is important for residents to know that the City of Ottawa strongly opposes and will continue to oppose this development. Residents also need to know that the Province of Ontario will join the City of Ottawa in opposing this development.

The City's core argument is that the proposed development violates both the letter and the spirit of the 40% agreement to which ClubLink expressly agreed to comply when it purchased the property.

The Ontario Superior Court of Justice has already ruled on and upheld the ongoing validity of various key parts of the 40% agreement.

As things stand today, this development cannot and must not proceed. Namely, the developer's obligation in the 40% agreement to operate the golf course still stands, and the developer has yet to produce a viable stormwater servicing plan that is acceptable to the City of Ottawa.

These are not minor details. They are fundamental roadblocks that ClubLink has yet to address in its haste to violate the honourable and contractual obligations it inherited when it acquired the Kanata golf course.

The motion below requests that the Province use any and all tools available to it, including but not limited to the items outlined in the motion, to stop this inappropriate development and to compel ClubLink to honour its contractual commitment to the people of Kanata and to the City of Ottawa.

Provincial action on this matter would not only help the community of Kanata North, but the resolution of this issue is also significant to the City and municipalities across Ontario. By way of this motion, we are asking that the province step in to help Ottawa, as was done in Oakville. This developer signed an agreement when they purchased the land, fully knowing that the land they were buying was protected “in perpetuity” to be greenspace.

To date, the City of Ottawa has already spent considerable time and money seeking confirmation that the developer will honour the contract it signed in good faith. If this agreement is not upheld, long-term land agreements that municipalities enter into will mean nothing. That’s why this motion is not only about Kanata. It has little to do with golf. This is about governments setting precedents on integrity, the protection of signed agreements, the environment, the health of communities and the ability of municipal governments to protect land use planning for the long term.

I would like to draw to your attention that Ottawa City Council approved the following Motion at the City Council meeting of April 27, 2022:

MOTION

Moved by: Councillor C. Curry
Seconded by: Mayor J. Watson

That the Rules of Procedure be suspended to consider the following motion in order to seek action from the Province of Ontario on this matter without delay.

WHEREAS the Kanata Golf Course is a significant green space that has been protected by the Council of the City of Ottawa as a property of community value as protected by 1981 Agreement between the former City of Kanata and the former landowner, Campeau Corporation known as the Forty Percent Agreement, which ensured that 40% of the area remained as open space and included an 18-hole golf course, to be operated in perpetuity; and

WHEREAS Section 3 of the 1981 Agreement confirmed that Campeau’s proposal was that approximately 40% of the total development area “shall” be left as open space for recreation and natural environment purposes. These areas included: a. The proposed 18-hole golf course; b. The storm water management area; c. The natural environment areas; and d. Lands to be dedicated for park purposes; and

WHEREAS ClubLink purchased land to use as a golf course and operated the Kanata Golf Club since 1996, agreeing that, if it decided to sell the golf course, it would first offer the golf course to Ottawa. ClubLink also agreed to transfer the golf course land to Ottawa at no cost, but only in the event that ClubLink wanted to stop running the golf course and could not find a purchaser; and

WHEREAS the owner of the Kanata Golf Course, ClubLink Corporation ULC and (ClubLink), has made an application under the Ontario Planning Act to subdivide the Kanata Golf Course to facilitate a residential development of the property which would affect the demolition of the golf course; and

WHEREAS ClubLink has also made applications to the City under the Planning Act for zoning amendments permit the redevelopment of the Kanata Golf Course for residential purposes; and

WHEREAS the demolition of the Kanata Golf Course and proposed redevelopment would result in the reduction of value of the property not being conserved the Forty Percent Agreement; and

WHEREAS it is the position of the City that such development is not permitted by the Forty Per Cent agreement in respect of the development of these lands; and

WHEREAS the Ontario Land Tribunal released its decision on March 22, 2022 to the application for draft plan of subdivision approval and a zoning by-law amendment for the development application for the Kanata Golf and Country Club owned by ClubLink at 7000 Campeau Drive; and

WHEREAS the City was successful in obtaining a declaration from the Superior Court that the Forty Per Cent agreement is a valid and binding agreement but was partially unsuccessful before the Court of Appeal of Ontario; and

WHEREAS both the Provincial Policy Statement and the Growth Plan require the integration of land use planning, growth management, transit-supportive development, intensification, and infrastructure planning; and

WHEREAS in accordance with the policy direction in the Provincial Policy Statement, Growth Plan, and Ottawa Official Plan, the City through the Official Plan has established an urban structure based on strategic growth areas aligned with planned transit infrastructure, fifteen-minute neighbourhood which are to be the focus for accommodating intensification and higher density mixed uses in a transit supportive manner; and

WHEREAS the redevelopment proposed by ClubLink for Kanata Golf Course lands would undermine the City's green space protection; and

WHEREAS the City has sought leave to appeal to the Supreme Court of Canada with respect to the question of the requirement to convey the lands to the City if ClubLink ceases to operate the golf course; and

WHEREAS ClubLink has initiated the referral back to the Superior Court with respect to the enforceability of the balance of the Forty Percent Agreement and has also filed a conditional cross application for leave to the Supreme Court of Canada to address the same issue in the event the City is granted leave to appeal; and

WHEREAS the approval of the ClubLink proposal will specifically and negatively affect the Kanata North Tech Park and its partner the Kanata North Business Association at a crucial point of explosive growth premised on the implementation of 5G technology globally; and

WHEREAS 30,000 high earning jobs in the coming decade will be put at serious risk if Kanata North (and Ottawa) cannot provide the enticement and globally competitive lifestyle required as employers compete for these highly skilled top wage earners;

WHEREAS ClubLink has not submitted an acceptable Storm Water Management plan for this development to the City, which would require approvals from the Mississippi Valley Conservation Authority and the National Capital Commission, and the City; and

WHEREAS protecting precious large scale, linked green and open space resources within the City and requiring development to conform to the City's planned urban structure are fundamental to ensuring the social, environmental and economic well-being of the citizens of Kanata; and

WHEREAS the conservation of irreplaceable green space resources to support the social, economic, and cultural well-being of communities, and the management of growth in a way that ensures sustainable, transit-supportive development through the integration of development planning and infrastructure planning, are matters of provincial concern; and

WHEREAS the Province of Ontario has recently protected Glen Abbey Golf Course in Oakville in a manner consistent with the approach outlined below;

WHEREAS the Community Associations and Business Associations across Kanata North comprised of the KBCA, the KLCA, the ACA, the BMGCA the KCBIA and the KNBA are in complete support of the efforts of the Kanata Greenspace Protection Coalition and have asked the MPP for Kanata-Carleton, through the local City Councillor, to

- 1. Support and request a full third-party environmental assessment of our Kanata North greenspace lands in question;**
- 2. Ask the Minister of Municipal Affairs and housing for the similar intervention he led in the ClubLink development at the Glen Abbey Golf Course; and**
- 3. Assure the residents and businesses of Kanata that a full, non-partial, community consultation be provided before any decision is taken.**

THEREFORE BE IT RESOLVED THAT the Province is requested to use any and all tools available to it, including but not limited to:

- 1. an order by the Minister of Municipal Affairs and Housing under section 47 of the *Planning Act* to ensure the conservation of the Kanata Golf Course green space landscape;**
- 2. special legislation to ensure the conservation of the Kanata Golf Course as open space for recreation and natural environment purposes;**
- 3. an order by the Minister of Municipal Affairs and Housing establishing the Kanata Golf Course lands as a development planning area under the *Ontario Planning and Development Act*, and preparation and approval of the development plan to ensure the conservation of the Kanata Golf Course; and**
- 4. the Attorney-General of Ontario intervening, in support of the City, in the appeal to the Supreme Court of Canada regarding the Forty Per Cent agreement; and**

BE IT FURTHER RESOLVED THAT the province is requested to fully support the City in proceedings related to the conservation of the Kanata Golf Course green space and protection of the 1981 Agreement.

Should you have any questions in this regard, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Watson", written in a cursive style.

Jim Watson

Mayor

City of Ottawa

cc: Steve Clark, Minister of Municipal Affairs and Housing
Lisa MacLeod, Ministry of Heritage, Sports, Tourism and
David Piccini, Minister of Environment, Conservation and Parks
Peter Bethlenfalvy, Minister of Finance
Sylvia Jones, Solicitor General
Lucille Collard, MPP Ottawa-Vanier
Merrilee Fullerton, MPP Kanata-Carleton