

Town of The Blue Mountains, Clerk's Department
32 Mill Street, Box 310,
Thornbury, ON
N0H 2P0
townclerk@thebluemountains.ca

November 24, 2025

Attention: Corrina Giles, Town Clerk

Planning Staff Report Number: PBS.25.091 - Recommendation Report - Request to Purchase a Portion of Railway Street

Dear Council:

I have previously submitted written deputations regarding this matter, and as you will recall I also spoke at the Committee of the Whole (COW) meeting held on November 18. Below is a summary of my verbal comments with some additional commentary regarding the decision taken by the COW to approve the recommendation of Planning Staff.

1. As noted in my written and verbal deputations, I am troubled by the process that has been followed that has led to the Staff Report and recommendation to sell the Town Land to Blue Birch. The approach taken seems to have been designed to provide Blue Birch with the exclusive opportunity to purchase the Town Land. The rationale for this provided by Mr. Postma to the COW is based on Mr. Postma's assessment that Blue Birch needs the Town Land, and I do not. I found that rationale, and assessment, stunning. I'm not sure how Mr. Postma knows anything about what I do or do not need, particularly since he has never spoken with me. Moreover, simply because a resident of the Town needs something doesn't mean the Town should provide it. I need a private beach – will the Town sell me one? Of course not. The decision about what to do with this parcel of Land should be solely based on what is in the best interests of the Town, not the individual requesting it.

2. The stated reasons of uncertainty and maintenance issues for the dismissal of other options seem weak at best, designed to drive you to option 4 rather than a thorough analysis of those options. Maintenance, access and other rights and obligations that might arise out of options 1, 2, and 3 can be easily dealt with, as they have been in any number of situations throughout the municipality.

3. To briefly summarize the history around the Blue Birch property for the benefit of those who may not have been involved from the start, Blue Birch acquired its property on October 28, 2022, a little over 3 years ago. The original Zoning amendment application was considered by council more than a year later, on December 19 of 2023. At that time Blue

[REDACTED], Town of The Blue Mountains, ON [REDACTED]
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Birch was looking to rezone the its property to allow for a single building lot on either the SE or NW areas of the property. There were no access issues with SE location as it abuts an existing municipal road, so the desire to purchase the Railway Street road allowance was not raised at that point. I did foresee that possibility, however, and immediately, on December 21 of 2023, expressed my interest in acquiring that land in an email to Councilor Hope. Councilor Hope then connected me with Adam Smith, then Director of Planning, who in turn recommended that I reach out to Shawn Everitt, then CAO of the Town. Mr. Everitt advised me, through his assistant, that discussion about purchasing that land was premature, but that I would be kept in the loop should the Town consider a sale. Mr. Herczeg, in his verbal deputation on November 18, claimed he has been working on this for 4 years and that his extensive efforts should somehow entitle him to acquire the Town Land in priority to all others. As noted, Blue Birch has owned the land for 3 years. His original application to rezone his property was submitted in November of 2023, 2 years ago. It was noted in that application that access would have to be addressed. So, in fact, Mr. Herczeg has been working on this for approximately 2 years, not 4 years. I have also been pursuing the acquisition of the Town Land for 2 years. Why Mr. Herczeg continues to mislead Council should give Council pause regarding other claims being made about his intentions for his property and the Town Land. Mr. Herczeg further argued that he had spent money in this endeavor and that I had not contributed to his costs. Why would I, or any other citizen, contribute financially to the development of the Blue Birch property? The suggestion that I should contribute is absurd.

4. In public comments at the COW meeting on November 18, Doris Hodge provided her version of the history of the Blue Birch property with her parents. Ms. Hodge suggested that her parents gave up the road allowance for “free”. The reality is that her parents sold the land that created the Hidden Lake Community. The two road allowances along Barclay Blvd were created as part of the subdivision of her parent’s property. Taking the road allowance, like any subdivision, is part of that process, and her parents received full value for their land. Nothing was given for “free”. I note that Ms. Hodge says she wants to build a home on one of these lots. I am sure she believes that she and her sister will each be receiving one of these lots at no cost given the rights that were granted to their parents when they sold the land for the Hidden Lake development. Perhaps Mr. Herczeg is going to honour that obligation, but he made it clear to me that he had no legal obligation to do so as he was not creating these lots pursuant to a plan of subdivision. Regardless, Ms. Hodge’s desires aren’t relevant to whether the process of selling this land is appropriate, or what constraints need to be placed on any sale of the land.

5. In several emails exchanged between myself and Senior Town Planner Marwaha over the past several months, I again requested information regarding any possible sale of the Town Land but was not provided with any information. Following the August Council meeting, I requested copies of the appraisals that Blue Birch representative Ms. Loft referenced in her

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presentation to Council during the August Council meeting. I have never been provided with those appraisals, although they are referenced in the Staff Report provided for this meeting. A COW meeting was apparently scheduled for October 28 to consider the matter. Despite my requests to be kept informed of any such meeting, I received no notice of that meeting. I was then advised by Ms. Marwaha that the meeting was cancelled and would be rescheduled. Ms. Marwaha confirmed that cancellation and advised me in an email on October 17 that she would provide an update once a new date is confirmed. I was not provided with any update and discovered only by happenstance that the November 18 COW meeting was scheduled. My desire to acquire all or a portion of the Town Land has been well known by Town staff for the past two years. The complete lack of engagement with me by Town staff, despite repeated requests by me and promises by Town staff do so, is both puzzling and troubling.

6. Creating 3 driveways combined with the work required to bring Town water, natural gas, and electrical services to the Blue Birch property through the Town Land will result in it being clear cut. The Town land has a frontage onto Railway Street of 100 feet. The Staff Report references a single driveway of 10 meters. If that is the required width, then 3 driveways would equal 90 meters, which is the full width of the lot. There is no other way to do it than to clear cut it. There is a power utility pole on or in front of the Town Land, and as noted in the Staff Report, stabilizing guy wires are located on the Town Land and require an easement. The pole and wires will interfere with the creation of these driveways on the south half of the property. What is the plan for that, and who will pay? In any event, a driveway does not need to be 10 meters wide (few are). If three driveways are truly necessary, they can easily be created within a road frontage of 20 meters or less.

7. The Staff Report states that there is no anticipated environmental impact. No environmental impact study has been done to assess the Town Land. I have raised this in my previous deputations. How can Staff come to this conclusion without an appropriate assessment?

8. While Town Staff suggest that many of the concerns that a sale to Blue Birch might raise can be dealt with at the time of the consent application that will be required for Blue Birch to proceed and build, the fact is that the leverage the Town has is largely tied to the access needs. Unlike zoning amendments and consents, conditions imposed in connection with granting access cannot be appealed to the Ontario Land Tribunal. If you sell the land to Blue Birch first, you no longer have a strong ability to impose conditions, such as the granting of a conservation covenant over the balance of the Blue Birch lands. If you sell the land to me, I do have the ability to impose conditions, and the Town will be relieved of the burden of negotiating the access rights.

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9. Once Blue Birch owns the land, Town staff say that the Town Land will be merged with the Blue Birch property to create one parcel of land. In order to develop the three lots, Blue Birch will then apply to the committee of adjustment to divide the land into three parcels so that each housing lot to be created on the current Blue Birch lands will own the land on which its driveway is located. Each land owner will then be free to do what it likes with the land owned by them and the Town's ability to regulate that will be significantly diminished.

10. I have made it clear in the past, to Mr. Herczeg as well as to Council, that I am not opposed to the three lots Blue Birch has negotiated to create on its property as they have been described to me, namely in a 1.5 acre area to be cleared as opposed to the original 6 plus acres that had been proposed, provided access is done with the minimum impact to the Town Land which, like most of the Blue Birch property, is environmentally sensitive. My concerns are with the manner in which access to the Blue Birch property is provided.

11. Mr. Herczeg makes the point that, when I purchased my property, I knew that there was an unopened road allowance adjacent to my property. That is true. It is equally true that Blue Birch understood when it bought its property that there was no current access to the NW corner of its property, that the land on that side of the property was land locked. While Mr. Herczeg might have hoped to negotiate that access, there should not have been an assumption that access would be created in an exclusive manner.

12. If the Town were to open the road allowance, it would not utilize the full width of the Town Land. A natural extension of Railway Street, of the same width as Railway Street, across the Town Land to the Blue Birch property would utilize the north half, or less, of the Town Land. The portion of the Town Land adjacent to my property would remain largely untouched, as I am requesting. It was a reasonable assumption when I purchased my property that if the road allowance was ever opened, it would not entail the full width of the road allowance, with the portion adjacent to my property largely untouched. I would be more than happy to have the Town simply retain the Town Land and open the road allowance, creating a single access road to the Blue Birch property. This is consistent with what I have been suggesting as the most appropriate way to provide access to the Blue Birch property, whether accomplished through a public or private road.

13. If the Town feels that the only choice is to sell all of the land, then selling approximately two thirds to Blue Birch would provide adequate access for Blue Birch, consistent with the access it would have if the road allowance was opened as noted above. It would equally address Mr. Postma's belief that the Town should meet the needs of Blue Birch. The remaining one third could be retained by the Town or sold to me – I am indifferent in that regard. This would be a fair way to deal with this, ensuring that the interests of one stakeholder is not given undue preference.

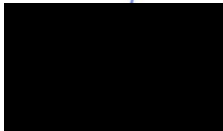
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14. If Council feels that the sale of the whole parcel is the only option, then I respectfully submit that, importantly, the recommendation of option 4 does not result in the highest price. As noted in the Staff report, under the Town's Policy POL.COR.07.02 – Sale and Other Disposition of Land, municipal lands are generally expected to be sold at fair market value. As indicated in my written and verbal deputations, I am prepared to pay the full appraised value of the Town property, namely \$373,000.

Sincerely,

A black rectangular redaction box covering the signature of Robert Aziz.

Robert Aziz

[Redacted], Town of The Blue Mountains, ON [Redacted]
Email: [Redacted]
Cell: [Redacted]