

Planning and Development Council Meeting  
February 12, 2018

**Comments Received Regarding Item 10**

Application for Demolition and Removal under Section 34 of the *Ontario Heritage Act* – 1313 and 1333 Dorval Drive, Oakville

**From:** Jon Colligan  
**Sent:** Monday, February 12, 2018 8:23 AM  
**To:** Town Clerk  
**Subject:** Glen Abbey Golf Course

I'm unable to speak as a delegate tonight but did want to send an email in support of the measures the Town has taken to recognize Glen Abbey as a heritage property.

Thank you,

Jonathan Colligan

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**From:** Bill McKinlay  
**Sent:** Monday, February 12, 2018 10:32 AM  
**To:** Town Clerk  
**Subject:** Application for Demolition and Removal under Section 34 of the Ontario Heritage Act - 1313 and 1333 Dorval Drive

Mayor Burton & Council:

Destroying a cultural heritage landscape is just plain wrong. I urge you to **refuse** the *Application for Demolition and Removal under Section 34 of the Ontario Heritage Act - 1313 and 1333 Dorval Drive, Oakville* at this evening's council meeting.

No person or business should be permitted to destroy a golf course that has become the heart of Oakville.

Thank you.

Bill McKinlay

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**From:** Conzelman, Mark  
**Sent:** Monday, February 12, 2018 10:42 AM  
**To:** Town Clerk  
**Cc:** Conzelman, Mark  
**Subject:** Cannot Attend this evening (Feb. 12th) / Comments for 2/12 Council Meeting - re: Clublink and Glen Abbey

Dear Town Clerk:

Due to scheduling conflict, I am unable to delegate at this evening's Town Council Meeting re: Clublink and Glen Abbey.

I have been an active delegate on this matter over the past year, and am concerned and support the Town Council push hard to continue its strident fight to protect Glen Abbey Golf Course as a significant Cultural Heritage Landscape, an important "green space, water protection, and environment" for both the Town, and the wildlife within the 16 mile creek ecosystem.

Over the past year, as a member of the “Save Glen Abbey” coalition, as well as a homeowner in Glen Abbey, I have spoken to many of the residents and business people within Oakville.

There is resounding support to protect this important asset, not only for this generation, but for our children and the future generations of Oakville.

The Town has methodically reviewed, studied through external consultants and expert witness, and concluded through support and designation under the Ontario Heritage Act that the Glen Abbey Golf Course should be protected, and that protective measures should be implemented.

**Clublink did not file an objection to this Heritage designation.** Why now are they being allowed to challenge this a second time, coupled with a request to “demolish” the golf course?

This is nothing short of Developer “greed”. Clublink knew what they were buying when they acquired the Glen Abbey Golf Course – a golf course and nothing more / nothing less than the most recognized golf course in Canada, with recognition around the world as the repeated “Home of the Canadian Open” .....

To now suggest that they can build 3,222 residential units on the top table lands, along with significant commercial and retail space is nothing short of “lunacy”. Glen Abbey does not sit within one of the “growth nodes” of Oakville, and was never intended for growth pursuant to the Livable Oakville Plan. This is just greed, and bad “planning” ....., there are no roadways to accommodate an additional 3 to 4 thousand cars in the area, there is no infrastructure in place to handle some 8 to 10 thousand new residents in this tiny corridor. Where would funding come from for such zoning density? The development charges are only a “fraction” of what would be required under such density.

**Town Council, please remain steadfast, and continue to exhaust all efforts to support and save the Glen Abbey Golf Course.**

**This is what the residents and voters of Oakville require, and are united to support.**

I would however like my comments registered for future meetings and OMB appeal registration (if any).

Mark Conzelman

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**From:** Gary Mark

**Sent:** Monday, February 12, 2018 11:16 AM

**To:** Town Clerk

**Subject:** Feb 12 P&D Comments Re: ClubLink Demolition Application

With regards to ClubLink’s November 21, 2017 application for demolition of the Glen Abbey Golf Course, I would like to support the staff recommendation to REFUSE the destruction of the heritage-designated site. This site has been demonstrated to be of significant cultural heritage value and any destructive alteration would be against the spirit of the implementation of the intended protections.

Regards

Gary Mark

**From:** Mark Steiman  
**Sent:** Monday, February 12, 2018 11:42 AM  
**To:** Town Clerk  
**Subject:** Regarding Planning and Development Glen Abbey Heritage

I am sad the process of protecting the Glen Abbey lands is so confusing and onerous.

As a real estate professional, I know the Town of Oakville is regarded as an ideal lifestyle community and the property values support the attraction.

Glen Abbey is synonymous with the Heart of Oakville.

It is a heritage property recently designated by the Town of Oakville with unanimous support from the Town Council.

As I understand, Glen Abbey qualifies in 9 of 9 categories for Heritage designation set out by the Province .... where only 1 category is needed to qualify.

The lands are surrounded by a planned community which bears it's name. The lands always had an abundance of green space even before the golf course was ever built. The property has been the home of the Raydor Estate, a Jesuit retreat, some saw mills and evidence of aboriginal community use.

Since 1977 it has been the home of the Canadian Open 30 times out of the last 41 years, is world renowned and a cornerstone of the Oakville community and a public course. The current Liveable Oakville Plan satisfies growth targets to 2041 without converting the Abbey into a high density housing project... let alone the negative community impact.

Not protecting Glen Abbey as a heritage property would be a travesty.

Nobody, other than ClubLink wants this development to move forward... in fact, they submitted an application to demolish the course despite the Heritage designation from the Town.... which they chose not to contest.

How much money and time should the public endure on this topic?

Please accept the democratic wishes of the community and preserve Glen Abbey for future generations thru good stewardship.

We are all watching.

Mark Steiman

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**From:** shelli fisico  
**Sent:** Monday, February 12, 2018 11:43 AM  
**To:** Town Clerk; \_Members of Council; Mayor Rob Burton  
**Subject:** 357-364 and 365-682

I am in absolute support of the Town refusing ClubLink's application to demolish the Glen Abbey Landscape. **(357-364 and 365-682)** The Golf Course is now designated a Cultural Heritage Landscape and ClubLink did not even attempt to file an objection to the designation. Therefore this begs the question why would Clublink assume that they could demolish the Cultural and

Heritage Landscape of 1333 Dorval Dr.? Therefore, I completely support the Town's refusal of the Application as the property must be conserved for future generations and was never designated a growth node for Oakville.

Thank you to the Town Council for protecting the land and the culture and heritage of the Glen Abbey landscape for future generations.

Shelli Fisico

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**From:** Angela Parsons

**Sent:** Monday, February 12, 2018 12:00 PM

**To:** Town Clerk

**Subject:** ClubLink Application / Council Meeting February 12, 2018

I am once again writing to convey my support for the Town Council's refusal of ClubLink's applications to develop or demolish *Glen Abbey Golf Course*.

Frankly, I am dismayed that ClubLink is entitled to persistently pursue these applications when the Town showed that the property not only meets but exceeds the requirements to be considered a cultural heritage landscape. I cannot understand why, now that the property has been officially designated a cultural heritage landscape, Town Staff and Council are even required to continue entertaining ClubLink's applications and endless objections.

Each time I, and my fellow citizens, go to the polls we vote for a Mayor and Councillors who will uphold the vision for Oakville clearly documented in the Liveable Oakville plan. I thank each and every one of you for standing strong in preserving the Oakville we love.

Respectfully,

Angela Parsons

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**From:** Joe Brandt

**Sent:** Monday, February 12, 2018 12:46 PM

**To:** Town Clerk

**Subject:** Planning and Development Council Meeting Monday February 12th, 2018, 7:00pm

I am writing with regard to items 9 and 10 on the Agenda for the captioned meeting.

I understand the Legal Context of the situation. And I fully support the Staff Recommendation the Application to Demolish be REFUSED, and **I request the Council Refuse the Application.**

9. [Legal Context for Town Process and Decision on ClubLink's Application for Demolition and Removal under section 34 of the Ontario Heritage Act - 1313 and 1333 Dorval Drive](#) 357-364

**Report from Legal Department, January 29, 2018**

Recommendation:

That the Legal report "*Legal Context for Town Process and Decision on ClubLink's Application for Demolition and Removal under section 34 of the Ontario Heritage Act – 1313 and 1333 Dorval Drive*" be received.

10. [Application for Demolition and Removal under Section 34 of the Ontario Heritage Act - 1313 and 1333 Dorval Drive, Oakville](#) 365-682

**Report from Planning Services Department,  
January 31, 2018**

Recommendation:

That the application seeking consent under section 34 of the Ontario Heritage Act to the demolition/removal of the existing golf course on the lands at 1313 and 1333 Dorval Drive in its entirety other than the RayDor Estate house and the main stable building and two adjacent sheds, be refused.

By way of background, and to become informed, I attended:

- the Town/Council Meetings in which the ICBL was passed and subsequently renewed.
- Clublink's Open House on their Application
- the Town's various Open Houses
- Oakville Heritage Advisory Committee meetings.
- ALL Eight Days of the OMB ICBL Hearing in their entirety
- the One Day OMB Application Hearing
- Various other Town Meetings along the way

I relay the above only to indicate that I am about as informed as a resident can be on the matter.

Over the last couple of years I have observed what I would describe as bully tactics from ClubLink. EG, presenting the Town with numerous items to consider the day before a meeting. Or, although permissible, submitting a very significant application for development while there was an ICBL freeze in force is hardly the tactics of a willing and cooperative applicant, while necessary studies had not been completed. I observed during the Eight Days of the ICBL Hearing a Party trying their flat out best to prove the Town acted in bad faith, and I was pleased to see the Chair rule clearly and unambiguously in favour of the Town on all issues raised.

Heritage Assessments:

I have read both ClubLink's Heritage Assessment (ERA) and the Town Sourced Assessment (Julian Smith), and my opinion is there is no comparison between the two documents. The Clublink Report is what I would term "Shallow". In fact it minimizes the Nicklaus influence, despite the stature he commands within the golfing world, and there is ONLY ONE FIRST Nicklaus Designed Course, Glen Abbey. It acknowledges the RayDor Estate and Stables of course and given those properties are already Heritage, they could hardly argue. What the report seems to do though is denigrate the asset. And it incorporates items like magazine/survey articles and non-heritage opinions.

**The Town sourced report is detailed, thorough and considers heritage attributes item by item, a stellar piece of work.**

I have a couple of points to make here:

- **ClubLink did not Object to the Heritage Designation**, so how can they now attempt to demolish the property other than as a pretext or device to **contrive an OMB Appeal**. ClubLink is on record as saying "We need to get this in front of the OMB, that's what they are for", or words to that effect. How many kicks at the can do they get?

- Clublink sourced heritage assessment: I reviewed every PGA Event for 2016 and report that **Glen Abbey in fact measures quite well** against other venues and in fact is longer than some very notable courses, notwithstanding that is not at all a heritage criteria.

- On a Global Scale, **Glen Abbey is unrivalled as a venue for hosting National Open Championships**. Can you imagine the furor that would arise if there was an attempt to pave over and build at Iconic venues such as St. Andrews, Pebble Beach, Pinehurst No. 2, Oakmont, Baltusrol, Muirfield, Carnoustie Royal St. George's, The Australian, Royal Melbourne, and so on, and so on? Can anyone imagine?

I believe I heard somewhere a comment that we will never have another Canadian Open at Glen Abbey, despite it being the best venue for meeting the economic realities of the Sponsors, the Enjoyment of the Fans, preserving the History and Heritage of Golf Canada itself, and the Owners can continue to promote GA as "World Famous". Well, I would point out that **a Canadian Open has not been held at Lakeview since Tommy Armour won there in 1934 and yet it maintains its Heritage Status**. So hosting another Open seems to have absolutely no bearing on Heritage!

I recall from the ICBL OMB Hearing that there seemed to be a presumption that Rezoning was automatic. In fact the Chair had to point out that something needed to happen before development could proceed, that it was not automatic. Which is another point I need to make. As far as I understand

it, there is no entitlement due the Owners of the property. I buy a house, it is zoned residential, and if i wanted to demolish that house and build and operate say a small engine repair shop, or a gas station, or whatever, there is zero chance that would get approved. I bought what I bought, there is no entitlement to anything else. In Clublink's case they bought a golf course and, since they were in and experts of the business of golfing, they know exactly what they bought, and promoted it as such. They did not buy a Landbank or a Lottery Ticket to a windfall gain. My point here is that many, if not all, the heritage attributes in the Town's Heritage Assessment were likely in existence at the time of purchase and perhaps Glen Abbey would have qualified for heritage designation even then. At a minimum, **you have an expert buyer purchasing a Historic Golf Course without peer in Canada, and they knew it.**

Just to recap, I support the Staff Recommendation to Refuse the Application to Demolish and Urge Council to do so.

Joe Brandt

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February 12, 2018

**By Email to [townclerk@oakville.ca](mailto:townclerk@oakville.ca)**

Mayor Rob Burton and Members of Council  
Town of Oakville  
Oakville Town Hall  
1225 Trafalgar Road  
Oakville, Ontario  
L6H 0H3

**Attention: Vicki Tytaneck, Town Clerk**

Dear Ms. Tytaneck:

**Re: Application for Demolition and Removal under Section 34 of the Ontario Heritage Act – 1313 and 1333 Dorval Drive, Oakville  
Planning and Development Council Meeting on February 12, 2018 – Agenda Item 10**

Introduction

We are counsel to ClubLink Corporation ULC and ClubLink Holdings Limited (“ClubLink”), the owners of the lands municipally known as 1313 and 1333 Dorval Drive in the Town of Oakville, which is commonly referred to as the Glen Abbey Golf Club property (“Glen Abbey”).

We understand that, at its meeting later today, Planning and Development Council will consider a report from the Town’s Planning Services Department, dated January 31, 2018 (the “Staff Report”), which recommends that ClubLink’s application under section 34 of the *Ontario Heritage Act* (“OHA”) for consent to the demolition/removal of the existing golf course and several buildings on the Glen Abbey property be refused.

We do not agree with the staff recommendation. Instead, we urge Council to consent to ClubLink’s application.

The purpose of this letter is to provide comments on the Staff Report. We submitted a similar letter to the Heritage Oakville Advisory Committee, dated February 5, 2018, in advance of the Committee’s consideration of ClubLink’s application at a special meeting on February 6, 2018.

### Comments Regarding the Staff Report

We note that the Staff Report omits a significant amount of relevant information that Council should have when considering this matter.

For example, whereas the Staff Report makes reference to the *Provincial Policy Statement, 2014* (the “PPS”) and the *Growth Plan for the Greater Golden Horseshoe, 2017* (the “Growth Plan”), it cites only a select few policies. In doing so, the Staff Report is contrary to the PPS and the Growth Plan, both of which explicitly state that these provincial policy documents are to be read in their entirety and all relevant policies are to be applied to each situation.

Given that the proposed demolition/removal of the golf course and various buildings is intended to accommodate the proposed redevelopment of the Glen Abbey property for a mix of residential, commercial and open space uses, it is also important to consider all other relevant provincial policies, many of which fully support the proposed redevelopment.

Moreover, as confirmed in the reports prepared by ClubLink’s heritage consultant, ERA Architects Inc., the proposed redevelopment incorporates a number of measures to ensure that the property’s cultural heritage value or interest is conserved. By contrast, and consistent with previous comments from Town staff, the Staff Report suggests that the only way in which the cultural heritage value of the property can be conserved is to retain the entirety of the existing golf course *in situ* and to maintain it, in perpetuity, to a standard suitable for championship golf. We continue to maintain that the Town is improperly using the OHA in attempting to regulate land use, or, more specifically, to mandate a specific use for the Glen Abbey property.

The Staff Report also notes that ClubLink had advised the Town that it would not be serving a notice of objection to the then proposed designation of the Glen Abbey property under section 29 of the OHA when the Town issued the Notice of Intention to Designate the Glen Abbey property (the “Notice”), and ClubLink did not require the matter to be referred to the Conservation Review Board (the “CRB”) for a hearing. Although these statements are true, the Staff Report fails to explain the reasons that ClubLink provided to the Town for its decision to not proceed with a formal objection to the Notice. ClubLink’s reasons were clearly set out in our letter addressed to the Town Clerk dated September 25, 2017, a copy of which is attached.

As you will see, one of the key reasons why ClubLink did not file a formal objection to the Notice is that ClubLink had decided to proceed with an application under section 34 of the OHA, which, if approved, would require the Town to repeal the heritage designation by-law or the applicable portions thereof. Thus, it should be abundantly

clear that ClubLink's decision to not formally object to the Town's Notice does not constitute ClubLink's acceptance of the Town's statement of cultural heritage value or interest, or the Town's description of heritage attributes of the Glen Abbey property. Indeed, Town staff is well aware of ClubLink's position in this regard, and yet staff continues to make public statements referring only to ClubLink's decision to not object to the Notice or have the matter referred to the CRB, but fails to explain or even acknowledge ClubLink's rationale.

The Staff Report asserts that the filing of an objection to a Notice of Intention to Designate "is the process provided in the [OHA] to determine whether the property in question should be designated". However, the report fails to acknowledge that the OHA also establishes a process (see section 34.3) whereby a municipal heritage designation must be repealed, in whole or in part, as a result of the approval of an application for demolition/removal under section 34 of the OHA, and there is no requirement for an owner to have formally objected to the designation in order to engage this process.

With respect to the materials submitted to the Town by ClubLink for its application under section 34 of the OHA, the Staff Report notes that the application form was "unilaterally modified by ClubLink". ClubLink modified the application form as a result of the Town's failure to cooperate with ClubLink in preparing the application for submission, despite the Town's own submission requirements that contemplate meaningful engagement between the Town and the applicant.

For example, whereas Town staff initially scheduled a pre-consultation meeting with ClubLink for October 31, 2017, and had requested and received from ClubLink additional information and a detailed meeting agenda, the Town advised just shortly before the scheduled meeting that it was no longer prepared to meet with ClubLink regarding the section 34 application, contending that it was of the view that what ClubLink was proposing was "legally beyond the scope of a section 34 OHA application". We strongly disagree with the Town's assertion, and this matter will now be determined through applications by ClubLink and the Town to the Superior Court of Justice that will be heard on July 16 and 17, 2018.

Finally, we note that the Staff Report indicates that Town staff has considered the checklists forming part of the Town-initiated *Cultural Heritage Landscape Conservation Plan for the Glen Abbey Property, January 2018* (the "Conservation Plan") in reviewing ClubLink's application for demolition/removal under section 34 of the OHA. As Council is aware, ClubLink does not support the Conservation Plan, and has filed an application with the Superior Court to challenge the Town's authority to approve the Conservation Plan in conjunction with the Town's recently enacted Cultural Heritage Landscape Conservation Plan By-law 2018-019. Further, we observe that the Conservation Plan states that its purpose is "to guide future alterations of the Glen Abbey property that are likely to affect the heritage attributes of the property". In that regard, the Conservation Plan specifically references applications for consent to alter a designated property

under section 33 of the OHA, which is a separate application process from an application for demolition/removal under section 34. By contrast, there is nothing in the Conservation Plan itself that indicates that it is to be used to assess an application for demolition/removal under section 34 of the OHA.

### Conclusion

The comments above are not intended to be an exhaustive response to all matters identified in the Staff Report. Rather, our comments are intended to provide Council with additional information, which has not been provided in the Staff Report, that the Council should have in considering ClubLink's application for demolition/removal under section 34 of the OHA.

We continue to maintain that it is inappropriate for the Town to dictate that the existing golf course on the Glen Abbey property be retained in perpetuity, and maintained at all times to a condition suitable for championship golf. At the same time, it remains our position that the existing golf course and several related buildings can be demolished/removed to accommodate the proposed redevelopment of the property, and that the proposed redevelopment can occur in a manner that will properly conserve the cultural heritage value or interest of the property.

For these reasons, we urge Council to reject the recommendation in the Staff Report and to consent to ClubLink's application for demolition/removal under section 34 of the OHA.

Kindly ensure that we receive notice of Council's decision regarding this agenda item. In the meantime, please do not hesitate to contact us if you have any questions or if you otherwise wish to discuss the contents of this submission.

Yours truly,  
**DAVIES HOWE LLP**



Mark R. Flowers  
Professional Corporation

Encl.

copy: Rodney Northey / Jennifer King, Gowling WLG (Canada) LLP  
Client

September 25, 2017

By E-Mail to [townclerk@oakville.ca](mailto:townclerk@oakville.ca)

Vicki Tytaneck, Town Clerk  
Town of Oakville  
Oakville Town Hall  
1225 Trafalgar Road  
Oakville, Ontario  
L6H 0H3

**COPY**

Dear Ms. Tytaneck:

**Re: Notice of Intention to Designate the Glen Abbey Golf Course Property  
under Section 29, Part IV of the *Ontario Heritage Act*  
Glen Abbey Golf Club – 1333 Dorval Drive, Oakville**

We are counsel to ClubLink Corporation ULC and ClubLink Holdings Limited (“ClubLink”), the owners of the Glen Abbey Golf Club property at 1333 Dorval Drive in the Town of Oakville (the “Lands”).

On behalf of ClubLink, we are writing in response to the Notice of Intention to Designate the Lands under Section 29, Part IV of the *Ontario Heritage Act* (“OHA”), which was issued on August 24, 2017, after being endorsed by Town Council at its meeting on August 21, 2017 (the “Notice”).

We are writing to advise that ClubLink will not be serving a Notice of Objection in response to the proposed designation under subsection 29(5) of the OHA and, likewise, ClubLink is not requiring that this matter be referred to the Conservation Review Board (“CRB”) for a hearing under subsection 29(7) of the OHA.

However, it is important to note that ClubLink’s decision to not serve a formal Notice of Objection should in no way be interpreted that ClubLink accepts the proposed designation, or that ClubLink believes that either the proposed Statement of Cultural Heritage Value or Interest or the Description of Attributes is appropriate.

Rather, it should be abundantly clear that ClubLink strongly disagrees with the proposed designation, and particularly the Town’s proposed description of the heritage attributes. This is evident based on, among other things, the written submission we made on behalf of Clublink to Town Council dated August 21, 2017, a copy of which is attached.

As noted in that submission, the Town's proposed heritage attributes are extremely broad and overreaching, essentially extending to every portion of the golf course property, including "each tee, hazard, planting, fairway and green", which even contradicts the opinions of the Town's heritage consultants.

Further, many of the proposed heritage attributes are too vague to be capable of an objective assessment, including, for example, the following proposed attribute: "the carefully-designed visual unfolding of each hole as part of the golfing experience, both aesthetic and functional".

In addition, the proposed heritage attributes are not even factually correct. For instance, the description of heritage attributes refers to the "the close and ongoing association of the course design with Jack Nicklaus/Nicklaus Design" [emphasis added]. In fact, there is no "ongoing" association of the course design with Jack Nicklaus or his firm, Nicklaus Design, nor has there been any such association for several years. In fact, Town staff presumably knows that there is no "ongoing" association, as Jack Nicklaus confirmed during an interview with staff earlier this year that it had been "about a decade or so ago" when he had been consulted regarding some minor changes at Glen Abbey and that he could not even recall his last visit to the golf course other than to confirm that he had not been back to Glen Abbey "in a long while".

Moreover, the proposed heritage attributes improperly purport to require the "ongoing" use of the Lands as a golf course, retaining the "ongoing ability of the property to be used for championship, tournament and recreational golf", together with the "ongoing ability to host championship and other major tournaments, including the Canadian Open", which is an inappropriate use of the *OHA*. Town staff has previously acknowledged that the Town cannot dictate that the Lands be used to operate a golf course, nor can the Town control whether the Canadian Open is held at Glen Abbey at any time in the future. Indeed, Golf Canada has repeatedly confirmed that it is currently searching for a new, permanent home for the Canadian Open, and that Glen Abbey Golf Club is not one of the candidate sites.

Notwithstanding its clear opposition to the proposed designation, including the Town's description of the heritage attributes, ClubLink's decision to not serve a formal Notice of Objection and have the matter referred to the CRB for a hearing stems, in part, from the limited authority of the CRB under section 29 of the *OHA*.

In particular, as noted in subsection 29(8) of the *OHA*, the purpose of a CRB hearing under section 29 is to "determine whether the property in question should be designated". In this instance, the Lands are already "designated" under the *OHA*, and have been since 1993 by virtue of By-law No. 1993-112, albeit that by-law confirms that the reasons for designation pertain only to the exterior portion of the original RayDor estate house and do not extend outward to include the golf course.

Further, under subsection 29(12) of the *OHA*, the CRB only has authority to “make a report to the council setting out ... its recommendations as to whether or not the property should be designated under this Part ...”, and by virtue of subsection 29(14) the municipal council can then proceed with the proposed designation regardless of the CRB’s recommendations.

In this case, the Town’s collective actions, including its repeated failures to provide ClubLink with an opportunity for meaningful engagement in the process, confirm a clear intention to proceed along the course that the Town has established and, accordingly, ClubLink has no confidence that Town Council would do anything other than proceed with the proposed designation, regardless of the CRB’s recommendations. In this particular circumstance, ClubLink sees little value in proceeding with what would inevitably be a lengthy and costly hearing at the CRB, only to find itself in essentially the same position as it is today; namely, with the Town intent on proceeding with an ill-conceived designation under the *OHA*, which appears to be designed primarily to attempt to frustrate ClubLink’s redevelopment proposal for the Lands.

In order to accommodate and advance its redevelopment proposal, ClubLink will be proceeding with an application to the Town under section 34 of the *OHA* to remove the golf course and demolish all buildings on the Lands other than those that are proposed to be retained as part of the redevelopment plan; namely, the RayDor Estate House, which is currently leased to Golf Canada for their offices and the Canadian Golf Hall of Fame and Museum, together with three other tenants, and is intended to continue its commercial use, as well as the Stables, which are currently used as maintenance facilities for the golf course and are proposed to form part of a “Village Market” that will serve the broader community as part of ClubLink’s redevelopment proposal for the Lands.

The proposed removal of the golf course from the Sixteen Mile Creek valley will also enable this portion of the Lands to be re-naturalized and conveyed to a public authority as a condition of the approval of the redevelopment proposal. This would provide an opportunity for all members of the community to enjoy these lands and allow the Town to establish an important publicly accessible connection within the valley both north and south of the Lands.

As a result, ClubLink will be contacting the Town’s Heritage Planning staff to initiate the application process under section 34 of the *OHA*, including a request for a pre-consultation meeting in accordance with the Town’s guide entitled: “Notice of Intention to Demolish – *Submission Requirements*”, a copy of which is attached.

Assuming that ClubLink’s application for demolition/removal is approved, either by Town Council consenting to the application, or the Ontario Municipal Board ordering the Town to give its consent on an appeal under section 34.1 of the *OHA*, Town Council will be required under section 34.3 of the *OHA* to pass a by-law to repeal the proposed

designation by-law for the Lands, or the applicable portions thereof. Thus, this is a further reason why ClubLink has elected to not proceed with a formal Notice of Objection under subsection 29(5) of the *OHA* and require that the matter be referred to the CRB for a hearing at this time.

We trust that this letter clarifies ClubLink's position in response to the Notice. However, please do not hesitate to contact us if you have any questions or if you require anything further.

Yours truly,  
**DAVIES HOWE LLP**



Mark R. Flowers  
Professional Corporation

Encls.

copy: Douglas Carr, Town Solicitor, Town of Oakville  
Client  
Glen Schnarr / Colin Chung / Mark Bradley, Glen Schnarr & Associates Inc.  
Michael McClelland, ERA Architects Inc.