

From: "Kanellakos, Steve" <Steve.Kanellakos@ottawa.ca>
Date: February 14, 2017 at 16:15:05 EST
To: <mail@countryhillestates.ca>
Cc: "O'Connor, M. Rick" <Rick.OConnor@ottawa.ca>, "Simulik, Marian" <Marian.Simulik@ottawa.ca>, "Moser, John" <John.Moser@ottawa.ca>, "Box, Steve" <Steve.Box@ottawa.ca>, "White, David" <David.White@ottawa.ca>, "MacNair, Gordon E" <Gordon.MacNair@ottawa.ca>
Subject: RE: Country Hill Estates

Dear Ms. Noël:

I am writing further to your correspondence dated January 18th, 2017, wherein you express frustration at the delay in reaching full completion on the build-out of your subdivision, Country Hill Estates.

City staff are diligently working towards responding to the concerns that you and residents have raised throughout 2015 and 2016. To that end, I can confirm the following:

1. The community concern with respect to ditches and drainage will be addressed in the spring/summer of this year on specific lots which pose a concern for individual homeowners in respect of maintenance. Homeowners are not expected to maintain the ditches elsewhere in the community, only those that are adjacent to their lots.
2. Staff will pursue the build-out for roads to provide a secondary access from the community to John Quinn Road, and further create neighbourhood connectivity with the adjacent Estates of Monticello subdivision through completion of Adam Baker Way. This may help address concerns raised in respect of the stockpiling of materials, as construction could utilize these materials.
3. Staff will work with Cornwall Gravel Company Ltd. to complete the design works for Phase III to facilitate updating approvals to maintain progression from Phase II to Phase III.

With respect to your allegations that staff has not been accurate, engaged or conducting themselves within the service excellence model, I must advise that I have discussed same with both the City Clerk and Solicitor and the City Treasurer, and can confirm that senior management is of the view that there is no basis for your opinion in that respect.

I understand that City Staff have worked diligently to respond to resident concerns, and that Ms. Montreuil did not communicate errors or fallacies when addressing matters relating to this development. While the marketing plan, and certain development documents speak to "phases", which can be confusing, Ms. Montreuil spoke to the actual development in respect of subdivision phasing, and this development contains three phases. Homeowners must also understand that obligations shift upon the purchase of lots, wherein buyers effectively become parties to the subdivision agreement and certain requirements contained within that agreement. I am advised that your suggestion for upstream solutions to the developer as an abdication of the City's role and responsibility in this matter does not take into account the actual legal realities associated with development. As such, your disappointment in the answers from legal counsel, while understandable, should not be characterized as incorrect or misleading information on the part of City Staff.

Furthermore, Mr. Neermul, Mr. Hamilton and Mr. Radke have always conducted themselves respectfully and provide information where it is appropriate to do so. In responding to a number of concerns raised directly by the Community Association, or through the Ward Councillor's Office, Corporate Real Estate staff have undertaken to attend meetings on site, as well as communicate concerns to Cornwall Gravel Company Ltd. for action. During their time on this file, I can advise that a number of concerns have been addressed, including the following:

1. Community Association was concerned that lighting did not meet City requirements:

City Staff undertook a lighting review of the development and determined the issues were minimal. To address concerns, one light was energized, another required replacement of the bulb, and an additional street light was installed. It should be noted that one resident complained directly to staff regarding the installation of the additional light, as she felt that a rural area should not have a lighting plan, and that the natural area was what attracts people to such developments.

The lighting plan meets City requirements.

2. Community Association notes there is trespassing by people drinking and loitering at the ends of un-developed roads and that some underage drinking and public intoxication is occurring; additionally, residents have noted that people are leaving garbage or dumping in these areas as well:

Staff responded by installing signage in that area, and Legal Services staff advised residents that trespassing, underage drinking and vandalism should be reported to Ottawa Police Services, if residents had concerns.

3. Extension of Utilities:

Community Association indicated that residents felt that utility options were limited in the area and the community was not serviced by natural gas. Staff advised that while the subdivision agreement facilitates the extension of utility services, the City cannot direct utilities to provide availability where it is not financially feasible. Bell, Rogers, Enbridge, and other providers are independent for-profit corporations, and while the City cannot impede the extension of such services, neither can it control the provision of such services. Information regarding the availability of utilities such as natural gas is the responsibility of potential homeowners, not the City.

4. Covenants regarding lawn lamps and address blade signs:

The Community Association wanted confirmation as to who was responsible for enforcing covenants and issues relating to by-law violations. Staff provided information on how to contact the City to report violations.

5. Delay and Environmental Holds on Phase III:

The Community Association questioned whether environmental issues raised by staff had created a delay in respect of the progression of development into Phase III. Staff undertook to prioritize completion of the requirements in respect of environmental conditions. There is no delay as a result of these issues.

6. Ditches:

The Community Association raised a concern that the ditches are not of the same standard throughout the community. Staff have reviewed this issue, and there is no engineering issues with respect to the ditches, and they are in conformance with the approved plan. The development is a rural, naturally rocky area, and the topography does not permit landscaped ditches. This is not uncommon in many rural subdivisions. With respect, this is an aesthetic issue only.

It should be recognized that Country Hill Estates is not unique in respect of the length of time required to reach completion as a subdivision. Rural estate lot subdivisions progress based on the sale of individual lots, and in most instances, development is not permitted to proceed until each Phase has been substantially sold. While I understand your frustration at the length of time it is taking to finalize your community, I can advise that such is the nature of many rural estate lot subdivisions, and even suburban subdivision developments, which take place over a number of phases, as development is sales driven and, the City has no ability to force sales. With respect to Country Hill Estates, specifically, due to the length of time involved, approvals that had been in place for the works within the subdivision at the time of registration had, or were expiring, and updates were required due to changes within environmental and planning legislation. This requires updated engineering studies and plans, as well as timelines relating to applications and approvals, which I have directed staff to proceed with as soon as possible.

Finally, I can advise that I have directed staff to prioritize the outstanding issues on this file, and to work with residents to address concerns as they are raised.

Thank you for reaching out to my Office and I anticipate that the matters within the control of the City and the community can be resolved in a timely manner.

Sincerely,

Steve Kanellakos

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