

BRADFORD BYPASS DUTY OF CARE

Deputation to Newmarket Committee of the Whole
December 6, 2021



Bill Foster

Forbid Roads Over Green Spaces



ROADMAP

- Political and MTO promises.
- Today's reality.
- Impact of Highway on Newmarket.
- What does this mean to me as a councillor?
- Call to action



Environmental Impact Assessment and Mitigation

- The Bradford Bypass Preliminary Design EA Update Study will include:
 - field investigations,
 - impact assessment/mitigation,
 - adherence to environmental commitments (including those identified in the 2002 Route Planning EA Approval.)
- A wide range of environmental studies related to natural, socio-economic, cultural, and technical disciplines will be carried out as part of this project.
- As part of the Preliminary Design, MTO will carefully consider all impacts to environmentally significant areas such as the Holland River Wetlands and existing and enhanced Greenbelt lands.
- MTO will continue to work with environmental agencies, municipalities, Indigenous Communities and other concerned stakeholders to identify principles and recommendations for mitigating the impacts of placing new or expanded provincial highways within wetland areas or areas of the Greenbelt.
- The Preliminary Design will consider minimizing potential impacts to areas of the wetland or Greenbelt areas through engineering design refinements.
- The Bradford Bypass Preliminary Design and Class EA will adhere to all relevant new and existing provincial and federal legislation, including, but not limited to, *Endangered Species Act (ESA, 2007)*, *Greenbelt Plan*, *Heritage Act*, *Fisheries Act*, *Species at Risk Act (SARA, 2002)*, *Lake Simcoe Protection Act*, etc.
- **Environmental studies will be undertaken no matter what EA process is followed in order to evaluate potential impacts and identify mitigation measures for environmental protection (refer to MECP Policy Proposal <https://ero.ontario.ca/notice/019-1883> for further details)**

TODAY'S REALITY

East Gwillimbury, York Region and Bradford West Gwillimbury have been “sucked in” by MTO.

They believe: The Bradford Bypass will:

- relieve congestion,
- solve *out-of-the-way-travel* south of Lake Simcoe and
- support planned growth in this area.

None of this is even remotely true!



TODAY'S REALITY CONTINUED

MTO's actual position:

- Out-of-the-way- travel and local congestion are local (regional) responsibilities.
- The Bradford Bypass will not address these problems.
- Some social/community benefits are anticipated however this is offset by the highway not promoting complete communities and not providing multi-modal access to jobs and services.



HOW DOES THIS AFFECT ME AS A COUNCILLOR?

Councillors swear an oath of office which includes the following duty of care:

“I will truly, faithfully and impartially exercise this office to the best of my knowledge and ability”.

This duty of care encompasses the 3 Roles councillors have under the Municipal Act:

- Representative,
- Policy-maker, and
- Steward.



HOW DOES THIS AFFECT ME AS A COUNCILLOR?

Canada Business Corporations Act – Duty of Care

Every director and officer of a corporation in exercising their powers and discharging their duties shall act honestly and in good faith with a view to the best interests of the corporation.



HOW DOES THIS AFFECT ME AS A COUNCILLOR?

This issue is not going to go away - you will be taking a stand on behalf of the Town of Newmarket no matter what you do.

Newmarket Council now has essentially has 2 options:

1. Do nothing.
2. Ask that further due diligence be done to ensue the need and justification of this expensive, environmentally intrusive highway.



THANK YOU

QUESTIONS?

