



ADDITIONAL COUNCIL AGENDA

WEDNESDAY, June 5, 2013

6. DEPUTATIONS

(d) Orchard Heights Park

John Walmark will speak to the reinstatement of vehicle access to Orchard Heights Park.

GC-0340-2013/May 29, 2013

12. CORRESPONDENCE

(a) Information Items: I-9

I-9 A letter dated June 4, 2013, from the President of the Orchard Heights Homeowner's Association regarding the reinstatement of vehicle access to Orchard Heights Park.

Receive for information

I-9

COUNCIL AGENDA
June 5, 2013



Dudley J. Briggs, President.
The Board of Orchard Heights Homeowners' Association
1613 Skyline Drive
Mississauga ON L5E 2W9

RECEIVED

REGISTRY No.

June 4, 2013

DATE JUN 04 2013

Your Worship the Mayor, Hazel McCallion
and Members of City Council
c/o The Corporation of The City of Mississauga
City Hall, 300 City Centre Drive
Mississauga ON L5B 3C1

FILE No.

MAYORS OFFICE

Dear Madam Mayor and Councillors:

We are writing to you today to record our disappointment, and frankly our dismay at the decision reached at General Committee last Wednesday May 29, 2013 respecting the future re-opening of the park in our neighbourhood known as Orchard Heights Park.

Firstly, as stated during our presentation, Orchard Heights as a community does not consider this park area to be exclusively our own as some councillors during the discussions seemed to think and suggest. This area which the City considers and designates as a "park" is in fact a park in name only; nonetheless, as a public space and a City resource our residents all appreciate quite clearly that if it is a park it must be open to all.

However, as was made clear to you on Wednesday, the entire area is in fact flood plain land adjacent to the Etobicoke Creek that for unrelated reasons to its designation as a park still contains a serviceable parking lot. Within this entire land area there are no other City-provided resources whatsoever, other than the parking area itself, one or two refuse receptacles and two old rusty picnic benches. There is no street or any other forms of lighting, no washrooms or such amenities, no pathways or developed trails. There are also no signs posted at the entrance other than for recognition of its name as a location, and a warning sign recently posted concerning the risks resulting from coyote attacks, which have more recently occurred there. As our Councillor Tovey described it, this "park" is an anomaly, and thus falls far outside the traditional definition of a park in Mississauga, and therefore also outside the normal rationales applied for access, use, or security for this or any other park so designated. The floor of this park area is some thirty feet below the general street grade within our community and has only one access/egress point from a steeply downward graded laneway off Lincolnshire Boulevard. Most others parks in Mississauga have two or more such access/egress points, and of course other City-installed and maintained amenities also.

The matter of the park being open or closed came before General Committee of Council last week for one reason: the result of a complaint by one of our residents who is wheelchair-bound and who feels that its closure to his personal vehicle denies his right of unrestricted access as his only means for doing so. At the meeting we also became aware for the first time of another person claiming entitlement to vehicle access there, so making what we believe to be a total of just two claims for this park area to be re-opened to vehicles. Truthfully, we do not consider the latter complainant to have standing in this instance since the individual is a resident in Ward 7 and uses this park area to run his dogs off leash, which, although there are no posted signs, is an area not designated or authorized as leash free. If, as the person stated he

I-9(a)



was challenged by one of our residents for using the area as leash free, then this was quite in order to make clear to him that such acts were (and are) both illegal and unwelcome.

So then, it seems the City received two complaints concerning restricting vehicular access, as against the majority within our community who wish the area to remain vehicle restricted.

We said at the opening of this letter that we were dismayed, and we truthfully are. What we fully expected to hear was comment and concern expressed by Councillors for the rights of handicapped individuals to have full access to this park for their personal vehicles, when in fact we heard no such concerns expressed. What we heard from Councillors was their concern for the "precedence" being set for the City dictating policy respecting community wishes for parks in other Wards. We also heard from you Madame Mayor, the expression that, "this problem has existed throughout our park system for 30 years." This problem that we and others there on Wednesday acknowledged was the use of this park area for serious and dangerous illegal/criminal activities that place our community at immediate, direct and continuing risk.

In our view, such reasons as were given us by councillors and yourself firstly acknowledge there to be a systemic and serious problem for the City within the park system, the general use of our City parks for illegal and dangerous social conduct apparently not being addressed, and secondly, the acknowledgement of these conditions as somehow becoming or already being considered the status quo, seemingly something lacking in importance sufficiently to ignore this obvious opportunity to confront it – to take back our public spaces for honest law-abiding citizens. We draw this conclusion from the very clear signal sent by the majority vote to re-open this park area despite information confirming these illegal uses. Similarly by the seemingly blasé views expressed by some Councillors and yourself that these criminal activities would likely "return in due course" (after re-opening), perhaps then you can appreciate our dismay.

What other conclusion can be drawn from a judgment that confirmed the park be re-opened "to see what happens." We know what will happen because it was happening frequently until the park was closed to vehicles in the fall of 2011.

And where does democracy fit into this discussion? We collected signatures from more than 260 of our residents and delivered them to Councillor Tovey specifically following the public direction of the previous Ward 1 Councillor Carmen Corbasson through which our residents spoke very clearly, not because they wished to restrict the rights to any society group or those of the one Orchard Heights resident who is handicapped, but because keeping this park restricted to vehicles has since shown us that it kept our community safer. By the decision to re-open the park to vehicles, it appears the City accepts the risk that may result from its illegal use because "it is happening throughout our park system."

And, let's also be quite clear on another point here, had the Orchard Heights resident who is handicapped not made a formal complaint to the City, this park area would still today be remaining closed to vehicles, in the absence then of reasons for the City to re-open it. We also note that during the meeting on Wednesday, the City Parks Manager, Mr. Andy Wickens, did at no time state that his department (or any other City or public agency) needed this park area to be open to personal vehicles. The City's decision to do so then springs only from the wishes of two individuals, one that is legitimate but was not presented at the General Meeting, and one from a person using the area illegally who is in fact living in a place where other parks closer by are readily available to him (also leash controlled). Yet, both complaints are given greater consideration in practical terms by your decision than is given for the safety of the 450 resident families in Orchard Heights.



I-9(b)

Is this the City of Mississauga's current definition of democracy at work?

What must flow then from the City's definition of Orchard Heights Park as a "park" is that it be developed and maintained as such with at least the basic requirements and standards that parks in most areas of the city are maintained to.

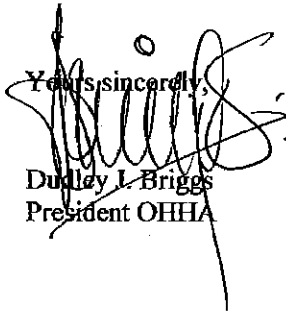
But if as we might reasonably expect, there is no appetite (or the resources!) to carry out such a program, we have a very simple and cost effective solution for the difficulty. Simply have the Orchard Height Park sign post removed from the entrance roadway such that the area be no longer designated or considered as a City park and leave the access gates closed to personal vehicles. By this simple means, the community's need for greater safety is acknowledged and supported, the City will not be subject to criticism for restricting access to a public facility since it ceases then to be so designated, any risk attendant from claims of precedence in other Wards will have no need of consideration, and the risk of increase in the City's liability resulting from personal injury or other claims is mitigated. This becomes a win-win resolution for all concerned, and those registered handicapped residents and other visitors (and our seniors that have made no complaints about the park closure) can access Ron Searle Park no more than three or four hundred metres distant.

You can be certain that proceeding with the OH park re-opening will exponentially increase the risks for all our residents personally and for our properties also.

In closing therefore, it is our considered opinion that the decision by General Committee on Wednesday is unquestionably wrong-headed for all of the reasons given above that completely ignores the majority wish expressed by our community's petition demanded by the City as the only means by which they would measure the community's support to proceed with the initial park closure order, and, if as now seems apparent, the petition process had and has no value, why then were we required to produce it in the first instance, and also why then did the City not simply re-open the park in Spring 2012 if they intended to ignore the wishes of our community, We also ask you, what was the purpose for this "pilot project"?

Your affirming vote last Wednesday morning to reopen the Orchard Heights Park has no basis in logic or understanding of the community's wishes, and that must now place responsibility for its longer-term consequences squarely upon the heads of each affirming Councillor.

On behalf of the residents of Orchard Heights,

Yours sincerely,

 Dudley J. Briggs
 President OHHA

<input checked="" type="checkbox"/> Receive	<input type="checkbox"/> Resolution
<input type="checkbox"/> Direction Required	<input type="checkbox"/> Resolution / By-Law
<input type="checkbox"/> Community Services	For
<input type="checkbox"/> Corporate Services	<input type="checkbox"/> Appropriate Action
<input type="checkbox"/> Planning & Building	<input checked="" type="checkbox"/> Information
<input type="checkbox"/> Transportation & Works	<input type="checkbox"/> Reply
	<input type="checkbox"/> Report