

**Statement by Mayor Robert Benoit
on the conditional use application
for the construction of a single family residence
on lot 4 867 240, located on chemin du Loup,
tabled at the council meeting of May 4, 2022**

1. In the interest of transparency and to avoid ambiguity, confusion, I would like to take a few minutes to explain the reasons for the board's decision, and in some cases my own, in this matter.
2. I have been a member of the Mount Echo Conservation Association (MECA), or MECA for short, for several years.
3. I intimately know the people who have dedicated a significant part of their free time to ensure the protection of the environment in this part of the Sutton territory. The documentary on Jackson Creek presents this commitment so well.
4. I am a member of MECA, but also Mayor of Sutton.
5. My fiduciary role requires me to defend the interests of the Town of Sutton. The Code of Ethics and Professional Conduct, by-law 317, specifies and I quote **in point 4.1.6 Loyalty to the Town**: "Loyalty requires that one perform one's duties in the best interest of the Town, with objectivity and independence of mind. It means setting aside personal interests and disclosing them in a transparent manner in accordance with applicable rules. In addition, loyalty means respecting the decisions made by council.
6. This land and other adjacent lands have been at the heart of a legal saga between MECA and the promoter of these projects. Several legal recourses were made on both sides, several also involving the Town of Sutton. This lasted for a good ten years. I do not intend to make an exhaustive list of them. I will focus on those that relate to the project before us tonight.
7. With respect to the Chemin du Loup subdivision, MECA has been involved in a minimum lot size dispute for subdivision permit applications filed in 2007. At that time, the Township of Sutton regulations applied.
8. Under this by-law, it was possible to build a residence in a conservation zone on a lot of 2 hectares instead of 8 and if the average slope of the lot was less than 20%.
9. The dispute concerned, among other things, the determination of the average slope of the proposed lots.
10. In 2014, the then Board approved minor variances, including on this lot as part of a negotiated agreement between the parties, including MECA.
11. The agreement reached recognizes the validity of 5 of the 7 lots to be built on Chemin du Loup. It subjects certain lots to siting conditions by way of minor variances. Conservation easements have been granted with respect to certain buildable lots. Two (2) of the proposed lots have been transferred to MECA for conservation purposes.
12. Our duty **today**, as newly elected officials and new council, is to recognize that **these waivers were granted IN GOOD FAITH as a result of negotiations between the parties, resulting in an agreement duly signed by the parties.**

13. However, a few months later, the validity of these minor exemptions was questioned and was the subject of new appeals to the Superior Court and the Quebec Court of Appeal.
14. In a 90-page judgment, the Superior Court recognized the legality of the minor variances and the Court of Appeal in a judgment, almost immediately after the hearing, ruled that the lot in question tonight is constructible even though its surface area is less than 8 hectares and that the variances granted on the issue of slopes "can certainly be qualified as minor" (page 3 of the judgment). One of the three (3) judges of the Court of Appeal is Lorne Giroux, a leading expert in the field of urban planning.
15. We, as members of a new council, must therefore agree that this is a case of "**RES JUDICATA**" which means "**JUDGED THING**". There is therefore no argument that would justify the City going against the decisions of the Superior Court and the Quebec Court of Appeal.
16. Our **fiduciary duty** to the interests of the citizens of the Town of Sutton dictates our decision to grant the construction permit on lot 4 867 240, located on Chemin du loup, and this, in respect of the recognized acquired rights.
17. We remind you that the construction is subject to the objectives and applicable criteria of By-law 188 on Use Conditions (RUC) and that these criteria allow us to require conditions aimed at preserving the natural character of the site.