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*Sent via email to: paula.lombardi@siskinds.com*

January 29, 2021

Mayor Dan Mathieson & Council  
City of Stratford  
P.O. Box 818  
1 Wellington Street  
Stratford, ON N5A 6W1

Dear Mayor Mathieson,

**Re: Consultation Plan and Timeline for a Council Vote  
Xinyi Float Glass Facility Proposal  
MZO O. Reg. 356/20 - Stratford, Ontario**

We represent Get Concerned Stratford Community Association Inc. (“Get Concerned Stratford”) and Wellington Water Watchers regarding Xinyi Canada’s proposed float glass plant (the “Xinyi Facility”).

On January 13, 2021, I spoke to Ms P. Lombardi, counsel to the City of Stratford concerning the pause on your Council’s consideration of a Cost Sharing Agreement with Xinyi. The conversation included a commitment that Council would not vote to approve the Xinyi Facility until a proper public consultation plan had been executed. Most importantly, our firm requested a place at the table for Get Concerned Stratford to define this consultation plan’s terms of reference, to guarantee the public is properly engaged – a feature conspicuously absent from dealings with the City of Stratford and Xinyi to date.

At a minimum, it is the expectation of Get Concerned Stratford and other residents canvassed to date that a future public consultation plan would include the following:

1. **Establish a Citizens’ Advisory Committee.** The purpose of the Committee is to ensure that communication with Xinyi regarding the structure and timing of public meetings, spending public money on the Xinyi facility through the Cost Sharing Agreement, communication with the province, timing of Council’s vote, disclosure, etc. is dealt with through a transparent process that doesn’t exclude Get Concerned Stratford or the public.

2. **Timing of a Future Vote.** At present, residents have been promised a seven-day notice period before Council will vote on the Xinyi Facility. It seems highly unlikely Xinyi would receive such short notice, particularly as it is our understanding an on-going dialogue has been underway between the Mayor and/or Council. At a minimum, one month's notice should be given to the community before a vote of this magnitude should be held by Council.
  
3. **Hire a trained Facilitator.** Given the controversy surrounding this proposal, and exclusion of the public to date, it is entirely appropriate for the City to hire a trained consultation Facilitator. The Facilitator can advise Planning Staff on the appropriate Terms of Reference for a consultation plan, including respectful timelines and resourcing of residents.
  
4. **Participant Funding.** There is a general consensus in the community that the City has not been diligent in peer reviewing the technical studies of Xinyi's experts. The solution is to require Xinyi to provide funding to Get Concerned Stratford to hire peer reviewers. The federal government has acknowledged the importance of participant funding.<sup>1</sup>
  
5. **First Nations Engagement.** Get Concerned Stratford has serious concerns regarding the level of engagement of First Nations. Was Notice provided to First Nations prior to the City issuing its request for a Minister's Zoning Order? What resources have been made available to First Nations to engage in the process? There is no reference to First Nations consultation in the *Stage 3 Archaeological Assessment Gibb 2 (AiHg-2) Gibb Road Business Park 3516 Perth Road 119 (Highway 7), Stratford, June 19, 2019*. Similarly, there is no record of Indigenous

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<sup>1</sup> The overall objective of the Funding Program is to encourage effective participation by helping to ensure that concerns about the potential effects of a project on the environment, Indigenous groups and on potential or established Aboriginal or treaty rights or potential effects of government practices and processes are taken into consideration during the engagement process.

Effective participation can:

- provide individuals and organizations with an opportunity to contribute to the planning of projects that may affect them;
- allow proponents, the Agency or another federal government department to better understand and address public interest and concerns regarding the potential effects of a project or of government practices and processes;
- assist in identifying and preventing or mitigating potential adverse environmental effects by contributing community knowledge and Indigenous knowledge that may be applied in the environmental assessment or in the review of issues, policies, regulations and legislations; and
- inform the environmental assessment process and the decisions that come out of that process.

<https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/participant-funding-program-national-program-guidelines.html>

consultation in the *Stage 1-2 Archaeological Assessment* Gibb Road Business Park 3516 Perth Road 119 (Highway 7), Stratford, which included four pre-contact Aboriginal findspots. According to the Ministry Tourism and Culture, engaging Aboriginal communities at Stages I, II and III constitutes wise practice.<sup>2</sup>

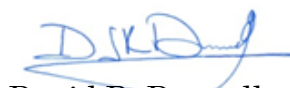
6. **Fix the City's Website.** At present, all the information posted on the City's *Xinyi Canada Glass Limited Project* webpage is an uncritical endorsement of the virtues of the Facility. The webpage is misleading, as it appears to give the City's endorsement to Xinyi's own, disingenuous responses to legitimate questions e.g. what are the Greenhouse Gas Emissions, why was it necessary to pursue an MZO, etc.<sup>3</sup> The Clerk's January 6, 2021 response to our previous inquiry regarding the inappropriate webpage raises equally troubling issues. Why does the City only make all technical information available at City Hall, in paper copy, since it is sent to the City in electronic form? Most municipalities in Ontario now post planning documents online. Forcing people to attend City Hall to make photocopies is a clear disincentive to public participation, and should be remedied immediately.

It is painfully obvious a high level of coordination between InvestStratford, City Council, the Ministry of Municipal Affairs and the Premier's Office and Xinyi has occurred e.g. in camera meetings, signed Letters of Intent, Xinyi requesting access to the webpage, etc. with only minimal public engagement. In order for this process to obtain any legitimacy in the eyes of residents, prior to a vote of Council, the items listed above are being advanced as the bare minimum standards for future engagement.

In conclusion, our clients would like answers to the above-noted questions before Council makes any future decisions concerning public engagement.

Please do not hesitate to contact me at 416-572-0464, or by email to david@donnellylaw.ca, cc'ing alexandra@donnellylaw.ca and morgan@donnellylaw.ca should you have any questions or concerns.

Yours Truly,



David R. Donnelly

cc. Client

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<sup>2</sup> [www.mtc.gov.on.ca/en/publications/AbEngageBulletin.pdf](http://www.mtc.gov.on.ca/en/publications/AbEngageBulletin.pdf)

<sup>3</sup> <https://www.stratford.ca/en/inside-city-hall/xinyi-canada-glass-limited-project.aspx#What-are-the-estimated-GHG-emissions-for-the-facility>