



September 9, 2021

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North York Community Council
North York Civic Centre
c/o Toronto City Hall
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Attn: City Clerk
Administrator, North York Community Council

Dear Sirs/Mesdames:

**RE: 966 Don Mills Road
City-initiated Request to Amend the Official Plan and Zoning By-law
Application No. 19 255599 NNY 16 OZ**

We are counsel for Don Mills Residents Inc (“**DMRI**”). This letter sets out our client’s written comments about the above-noted applications in advance of the public meeting scheduled to be conducted on Monday September 13, 2021 by videoconference. A representative of our client will also be attending that public meeting to make oral submissions with respect to the applications.

DMRI is a residents’ associations that represents those living in the Don Mills area and their interests. It is focused on maintaining and improving the quality of life within the Don Mills community. One of DMRI’s longstanding objectives has been to secure the construction of a community center in Don Mills for the use and enjoyment of area residents.

DMRI has reviewed the proposed amendments that would remove provisions related to the construction of a community recreation centre at 966 Don Mills Road from the current site-specific Official Plan Policies, zoning by-law provisions, and Section 37 Agreement. It has several concerns with those proposed amendments, as outlined below.

Background

C/F Realty Holdings Inc. (“**Cadillac Fairview**”) commenced redevelopment of the area known as Don Mills Centre in 2001. Its Phase 1 redevelopment included demolishing the former Don Mills Centre Mall and constructing the “Shops at Don Mills”. Phase 2 of the redevelopment included residential condominium development that was inconsistent with the governing Official Plan and Zoning By-Law policies at the time. Official Plan Amendment and Zoning By-Law Applications for Phase 2 of the redevelopment were submitted by Cadillac Fairview in December 2006. It appealed those Applications to the

Ontario Municipal Board (“**OMB**”) in 2007. DMRI was added as a party to those Appeals by order of the OMB.

In 2010 the City of Toronto, Cadillac Fairview, and DMRI agreed to a settlement of the Appeals. In part, the settlement occurred on the basis that a community centre would be constructed at 966 Don Mills Road. That settlement was approved, and the Appeals allowed, by the OMB.

On March 2, 2011, Official Plan Amendment No. 587 to the former City of North York Official Plan and Zoning By-law No. 342-2011 were approved by the Ontario Municipal Board. Those planning instruments implemented the settlement of Cadillac Fairview’s Appeals related to Phase 2 of its redevelopment of Don Mills Centre.

ZBL 342-2011 and OPA 587 included amendments to permit Cadillac Fairview’s mixed-use redevelopment at Don Mills Centre. Following the settlement, Cadillac Fairview’s redevelopment called for the construction of 2,050 condominium units in a series of buildings ranging from 6 to 32 storeys in height, a 5,408 square metre public park, and the construction of a 4,512 square metre public community centre at 966 Don Mills Road.

Construction of the residential condominiums has progressed significantly in the past decade. The community benefits that were promised to move forward with that high-density redevelopment have not.

Despite repeated confirmations from the City – including the local Councillor – that it supported the community centre at 966 Don Mills Road, in 2019 the City resiled from that position and initiated plans to instead include a community recreation centre in a future development site at the former Celestica headquarters at the intersection of Don Mills Road and Eglinton Avenue East. The City-initiated Official Plan and Zoning By-Law Amendment at issue in Application No. 19 255599 NNY 16 OZ, which are the subject of this letter, propose to facilitate that process by removing provisions of the current site-specific official plan policies, zoning by-law provisions, and Section 37 Agreement regarding the construction of a community centre at 966 Don Mills Road. They do not replace those provisions with another proposed use for the site.

Issues and Concerns of the DMRI

The DMRI has been active in taking steps in response to the City’s change in direction with respect to the community centre at 966 Don Mills Road. Members of the DMRI participated in public information sessions and other community meetings to voice their concerns about the City’s course of action. The DMRI also commenced an Application in 2019 in the Superior Court of Justice seeking to enforce its agreement with the City and Cadillac Fairview respecting the community centre. While that Application was not successful at first instance, an appeal has been initiated and has not yet been heard.

The City’s proposed Official Plan and Zoning By-Law Amendments give rise to several concerns on the part of the DMRI, which it has expressed throughout this process. Those concerns include, but are not limited to:



- *Prematurity* – as noted above, the DMRI has initiated an appeal from the decision with respect to its Application before the Superior Court of Justice. Should the appeal be successful it could significantly impact the proposed Official Plan and Zoning By-Law Amendments. The appeal has not been heard and no decision has been rendered with respect to it. The City’s proposed Amendments are premature as a result, and should be held in abeyance pending the outcome of the appeal;
- *Inconsistency with the Provincial Policy Statement and Non-Conformity with the Growth Plan* – the Don Mills Centre community has undergone significant population growth in recent years because of the residential redevelopment in the area. Community and public service facilities in the area have not kept pace with that population growth. Amending the Official Plan and Zoning By-Law to remove the requirement of a community centre at 966 Don Mills Road exacerbates the situation. It is inconsistent with the Provincial Policy Statement and does not conform to the policies of the Growth Plan for the Greater Golden Horseshoe – in particular, the policies in those documents related to public service facilities and recreation, etc.;
- *Prejudice to Area Residents* – failing to complete the community centre at 966 Don Mills Road is a significant betrayal to residents in the area. It was bargained for fairly, and redevelopment was approved on the basis that such a community centre would be built. Without it, area residents are now left in a situation where they will not receive a key benefit that they obtained in exchange for their agreement to residential redevelopment in the Don Mills Centre. Many residents in those developments purchased their units on the understanding that a community centre would be built nearby – at 966 Don Mills Road. Those purchases are now prejudiced and that intensifies the issues identified with respect to inconsistency and non-conformity with the policies of the Provincial Policy Statement and Growth Plan for the Greater Golden Horseshoe, respectively.
- *Uncertainty* – the City’s proposed Amendments remove the provisions of the Official Plan and Zoning By-Law related to a community centre at 966 Don Mills Road. They do not replace those provisions with any alternative. That will lead to significant uncertainty about the future of the site that is undesirable and inconsistent with principles of good planning.

We thank the members of the North York Community Council for their consideration of this submission and would welcome the opportunity to discuss the concerns identified herein with City staff. Kindly provide us with notice of any decision made with respect to this matter.

Sincerely,
RAYMAN BEITCHMAN LLP



Conner Harris
CH/rf