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**Via Email (scc@toronto.ca)**

Chair and Members  
Scarborough Community Council  
City of Toronto  
Scarborough Civic Centre  
3rd Floor, 150 Borough Drive  
Toronto ON M1P 4N7

**Attention: Carlie Turpin,  
Office of the City Clerk,  
Scarborough Secretariat**

Dear Members of Community Council:

**Re: SC28.2 - 3850 and 3900 Sheppard Avenue East and 2350 to 2362 Kennedy Road -  
Zoning By-law Amendment and Draft Plan of Subdivision Applications**

We act as solicitors to 1660866 Ontario Inc. (the "**Company**"). The Company is the registered owner of the property municipally known as 2330 Kennedy Road (the "**Property**"). The Property is located on the west site of Kennedy Road, north of Sheppard Avenue East, and immediately abuts a portion of the eastern boundary of the lands proposed for re-zoning (the "**ZBLA Lands**"), including a new private street "A". The Company's Property is occupied by a six-storey medical office building with retail uses at grade, known as the Agincourt Professional Centre (the "**APC**").

We write on behalf of the Company to raise concerns that the proposed zoning by-law amendment ("**ZBLA**") does not conform to the provisions of the site-specific Official Plan Amendment ("**OPA 459**") that applies to the ZBLA Lands and that the application for rezoning of the ZBLA Lands is incomplete.

More specifically, policy 8(c) in OPA 459 requires a phasing and sequencing strategy for the ZBLA Lands that, among other things would:

Identify the community service facilities and any other infrastructure required to be provided prior to the initiation and/or completion of each Phase;

and would also:

Demonstrate how new development will appropriately interface with the adjoining office building to the east (2330 Kennedy Road) ... and how it will provide required parking for these lands together with temporary and permanent

easements and rights-of-way for parking, pedestrian and vehicular access, servicing and maintenance...

The daily operations of the APC owned by the Company depend on a number of easements and access rights over the ZBLA lands, including the following:

- An easement for 191 vehicle parking spaces;
- An easement for truck movements to service the operations of the APC;
- An easement for certain pedestrian ingress and egress; and
- Easements for sewers that service the APC.

Among other things, the application materials for the ZBLA and the proposed ZBLA do not provide for the Property's 191 vehicle parking spaces. Instead, the proposed non-residential parking requirements for the ZBLA Lands are based on the non-residential parking requirements of the proposed development only, ignoring those of the Company's Property, despite the specific easements and Official Plan direction referenced above.

The application materials for the ZBLA and the proposed ZBLA also do not provide for phasing that accommodates the provision of 191 parking spaces, do not show clear paths for pedestrian ingress and egress, and do not include any express restrictions or conditions on the phasing of development, site plan approvals, or issuance of building permits that require the applicant to demonstrate that the APC's servicing and other easements are protected during the anticipated phased construction. As a result, the Company is concerned that the proposed ZBLA does not identify infrastructure (such as parking spaces or servicing requirements) required for each phase of development so as not to interfere with the abutting Property.

The Company is also concerned that the proposed ZBLA and the application materials fail to demonstrate the provision of parking for the APC as well as an appropriate interface with the APC. More specifically, Company is very concerned that it is not good planning not to secure a minimum number of parking spaces for existing uses; not to secure parking spaces proximate to the uses for which they are intended; that proposed built form and pedestrian realm features could interfere with existing truck movements; and that the proposed phasing does not account for the functional servicing needs for existing uses.

The Company would like to ensure that the proposed ZBLA does not permit a development that materially interferes or materially impedes the normal commercial operation or use of the APC, is contrary to the objective of good planning, or otherwise fails to respect the Company's rights and interests.

The Company also would like certainty that any contemplated development permitted by the ZBLA will protect and maintain, the existing easements that exist on the ZBLA Lands to ensure the continued operations and future success of the APC, and that the ZBLA has no material negative impact on, or interference with, the APC or the Property.

I would be pleased to provide further information as may assist Community Council.

Sincerely,

McCarthy Tétrault LLP

Per



Matthew Schuman

MS

cc: Client