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April 20, 2023

VIA EMAIL

Ontario Land Tribunal
655 Bay Street, Suite 1500
Toronto, ON M5G 1E5

Attention: Leeann Situ, Case Coordinator

Dear Sirs/Mesdames:

**RE: 2500 Don Mills Road
Official Plan and Zoning By-law Amendment Appeals
File Nos. OLT-23-000093 & OLT-23-000094
** REQUEST FOR PARTY STATUS ****

We are the lawyers for 2076203 Ontario Limited and 2076204 Ontario Limited, the owners of 1650 Sheppard Avenue East ("**1650 Sheppard**"), which is immediately adjacent to the west of 2500 Don Mills Road (the "**Subject Property**").

We are writing to advise that we will be seeking party status at the first Case Management Conference in this matter, scheduled for May 1, 2023. Attached please find the Tribunal's Party Status Request Form completed on behalf of 1650 Sheppard.

As a result of a previous block-wide planning exercise (detailed below), 1650 Sheppard and the neighbouring sites have a direct interest in the planning applications for the Subject Property to ensure that its development is consistent with Official Plan Amendment No. 476 ("**OPA 476**") and to ensure that appropriate cost-sharing mechanisms are imposed on the Subject Property for new block-wide infrastructure (e.g. roads and sewers) required as a result of OPA 476.

Background – Block Context Plan/OPA 476

Over the course of a number of years, following an appeal to the Ontario Land Tribunal of its own site-specific development applications, 1650 Sheppard together with the owner of 25 Leith Hill Road and the owner of 2600 Don Mills Road collaborated with each other and with the City of Toronto to complete a block planning exercise for the lands located at the northwest corner of Sheppard Avenue East and Don Mills Road, bounded to the west by St. Timothy's Separate School, to the north by Leith Hill Road, to the east by Don Mills Road, and to the south by Sheppard Avenue East (the "**Block Context Plan**").

The Block Context Plan exercise determined a road network, development blocks, servicing infrastructure, and a new public park that would allow for the redevelopment of the previous tower-

in-the-park form of development existing on these lands from an earlier era, with new intensified residential uses in the form of new towers and townhouses in addition to the retention of the existing apartment buildings.

The Block Context Plan exercise culminated in the approval in October 2020 of City of Toronto Official Plan Amendment No. 476 by the Ontario Land Tribunal (then Local Planning Appeal Tribunal), with a written decision following on January 29, 2021 (amended on February 1, 2021) in File No. OLT-22-003623 (formerly LPAT File No. PL170649).

Subsequently, 1650 Sheppard and the owner of 25 Leith Hill Road and the owner of 2600 Don Mills Road have jointly submitted a Draft Plan of Subdivision Application (City File No. 21 211396 NNY 17 SB) to create the road network and development blocks envisioned by OPA 476 and to lay out the details of the required servicing infrastructure for the block.

The Subject Property within the Block Context Plan

The Subject Property, currently occupied by a gas station, convenience store, and car wash, was included in the Block Context Plan and in the approved OPA 476, with permissions granted for residential development with a density up to 3.99 times the lot area (the same permission granted to each of the other sites). By contrast, the development proposed for the Subject Property would contain a density of 7.35 times the area of the site. The Subject Property is intended to tie into the new road network and the servicing infrastructure and will benefit from the work that has been undertaken by 1650 Sheppard and the other owners.

Previously, the operator of the gas station was a participant in the Block Context Plan hearing, as well as a party to the Tribunal-led mediation that gave rise to the eventual settlement. Additionally, the previous owner of the Subject Property – Mac's Convenience Stores Inc. (the predecessor in title to the current owner/appellant) – obtained party status in the proceeding and was a party to the settlement of OPA 476.

We are in receipt of the Notice of Case Management Conference scheduled for May 1, 2023, as well as the Explanatory Note prepared by the owner/appellant.

Reliance on Block-Wide Infrastructure

It would appear from the materials reviewed that the owner/appellant intends to develop the Subject Property significantly in excess of the development permissions otherwise envisioned by OPA 476, and that such development will materially benefit from the road network and servicing infrastructure that have been planned for the block through the Block Context Plan and OPA 476.

However, it is unclear from the material submitted whether the owner/appellant acknowledges its reliance on such block-wide infrastructure, which is now being implemented by 1650 Sheppard and the owners of 25 Leith Hill Road and 2600 Don Mills Road through the Draft Plan of Subdivision process, and whether the owner/appellant is prepared to contribute commensurately to the sharing of such infrastructure costs.

1650 Sheppard's Interest in the Appeals

As the immediately abutting owner, 1650 Sheppard has a direct interest in the outcome of the planning applications that are before the Tribunal for adjudication. 1650 Sheppard will seek to ensure that the form of development approved on the Subject Property is compatible with the development that has been approved on the 1650 Sheppard site through its own applications and appeals, including the location and height of towers on the Subject Property, the location of any low rise building elements and any commercial uses, the location of on-site parkland dedication, as well as the manner in which the proposed development ties into the approved Block Context Plan with respect to roads, driveways, servicing infrastructure, and related elements.

Together with the neighbouring owners at 25 Leith Hill Road and 2600 Don Mills, 1650 Sheppard also seeks to ensure that appropriate cost sharing conditions are imposed on the development, commensurate with the benefit the development obtains from the work and expenses of the other developers within the block.

To that end, 1650 Sheppard intends to participate fully in the hearing of this matter, including calling expert evidence and cross-examining the witnesses of other parties as necessary, keeping apprised of any revisions to the proposed development, and participating in any mediation that may be arranged. The inclusion of 1650 Sheppard as a party to this matter will contribute to the Tribunal's understanding of both the site-specific and block-wide implications of the proposed development.

We will be in attendance at the Case Management Conference on May 1, 2023, to make this request. Should you have any questions, please do not hesitate to contact the undersigned.

Yours truly,

Overland LLP



Per: Christopher J. Tanzola
Partner

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- B. Engell (bengell@weirfoulds.com) – 2600 Don Mills Road
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