

February 17, 2026

VIA EMAIL - etcc@toronto.ca

Etobicoke York Community Council
Council Chamber, Etobicoke Civic Centre
399 The West Mall
Toronto ON M9C 2Y2

Our File No. 162711

**Re: Item - 2026.EY29.1
250 Wincott Drive and 4620 Eglinton Avenue West
Zoning By-law Amendment Application - Decision Report - Approval**

Aird & Berlis LLP is counsel to Montrin Richview GP Inc. (our “**Client**”). Our Client is the owner of the lands municipally known as 250 Wincott Drive and 4620 Eglinton Avenue West in the City of Toronto (the “**Subject Lands**”).

In 2021, City Council approved a Zoning By-law Amendment on the Subject Lands through the passage of By-law 834-2021 (File No. 18 150932 WET 04 OZ). The 2021 rezoning approval permits a multi-building, mixed-use development on the Subject Lands comprising three buildings of 11, 11 and 12 storeys/43.0 metres (i.e., Buildings A, B and C) and the retention of a portion of the existing Richview Square Plaza (i.e., Building D). The approval also included a 1,700 square metre public park, a 659 square metre publicly accessible open space, a 465 square metre community agency space and affordable housing. The development was to be served by a new “L”-shaped private road connecting Wincott Drive and Eglinton Avenue West.

Following the rezoning approval, on April 14, 2022, an application for Site Plan Approval (File No. 22 136287 WET 02 SA) was filed to advance Buildings C and D, which comprise Phase 1 and 2 of the redevelopment.

The new Zoning By-law Amendment application (File No. 23 101352 WET 02 OZ) before you seeks to increase the proposed building heights of Buildings A and B to 24 and 29 storeys, respectively, and to provide a corresponding increase in the number of dwelling units and affordable housing. The proposal otherwise maintains the general components of the 2021 Approval. Buildings C and D have continued to advance under the permissions established in the 2021 Approval.

The proposal continues to contemplate an “L”-shaped private road connecting Wincott Drive and Eglinton Avenue West. While the road is intended to be private in ownership, it has been designed to look and function as a public right-of-way in accordance with City standards. Our Client has advanced both the proposed Building A/B portion, and the approved Building C portion of the development on the Subject Lands, on this basis. The easterly portion of the private road, and encumbrances below grade, were recently approved by the Ontario Land Tribunal in OLT-25-000563 and by the City through the issuance of Notice of Approval Conditions (NOAC) for the Building C/D Site Plan Approval application on February 11, 2026.

We attended the previous Etobicoke York Community Council session on November 26, 2025, at which time City staff had recommended approval of the new Zoning By-law Amendment which had been made by our Client in respect of Buildings A & B.

Councillor Holyday moved a motion to defer the item to allow for: 1) additional meetings to occur with members of the community, his office, City staff and the applicant to review the concerns raised with respect to the proposal; and 2) City staff to report back on a number of specific items/questions with respect to the application. In the intervening time, two meetings were held with the applicant team, the Richmond Gardens Residents Association, the Councillor's office and City staff. In addition, City staff have issued a Status Update Report, dated February 6, 2026, for information.

We are respectfully requesting that Community Council consider the original staff recommendations to approve the Zoning By-law Amendment application. We do not believe there is any further reason to defer this matter.

Further, and for the reasons set out below, we request that Community Council accept the recommendations of City staff to approve the rezoning as set out in the Decision Report – Approval, dated November 6, 2025, and without any changes related to the proposed private road.

With respect to the additional information provided by City staff as it relates to the private road, we wish to provide the following additional information and observations.

The Private Road Already Approved – In Part – By Ontario Land Tribunal and City

The staff report contemplates two options whereby the City could take ownership of the proposed private road: a stratified ownership interest to allow for both existing and planned encumbrances (Option 1a) and a second option where the City takes interest without any encumbrances (Option 1b).

In our submission, **Option 1b is not possible**, given the history of this matter, the fact that a portion of the larger development is already approved which encumbers the right of way below ground (Building C) and the fact that the eastern most portion of the right of way has already been approved by the Ontario Land Tribunal as a private road (OLT-25-000563) and by the City through the issuance of NOAC for this portion of the development on February 11, 2026. The approvals will secure an easement in favour of the City/public across that portion of the private road.

Further, Option 1a can only proceed provided that it recognizes the existing approvals for Building C and the fact that development under the private road is required to support Buildings A & B. Our Client is only prepared to consider Option 1a provided that no further changes are required to the development proposal (including the approved Building C phase) and that the stratified conveyance of the private road occurs at no cost and with no additional submissions by our Client.

Private Road Contemplated in the Agreement of Purchase and Sale with the City/BuildTO and Since Original Approval

The original 2017 Agreement of Purchase and Sale (“APS”) of the lands between Build Toronto Inc. and the predecessor in title to our Client expressly contemplated both a private road system and the ability of the purchaser, and now our Client, to organize the development predicated on same, including building beneath the private road.

The Agreement provides as follows:

“and (B) the Purchaser shall have the right and ability to build portions of the Project below the private north-south road to be constructed or the lands”

The concept of a private road, and the ability to construct below the private road, has been an organizing principle from the outset of this project and a material factor in the original APS. A decision by the City to change a material element of the project, particularly when it is contrary to the advice of its professional planning and transportation staff, can only be seen as an attempt to frustrate the original agreement.

That APS also expressly contemplated the creation of easements to benefit the adjacent land owner which are now registered on title to the lands and further encumber the private road. There is no ability by the City through approval of the rezoning application to require the adjacent property owner to consent to the removal of easements.

Private Road Supported by City Staff from a Traffic Operations Perspective

It is acknowledged that the nature and extent of the development proposed on the Subject Lands is different from the original approval by the City. City staff have consistently maintained that the nature and scale of the development is supported by the private road and that traffic operations on the private road are acceptable. Importantly, the same degree of access to the retail component of the lands which exists today – over private lands – will be secured in the future via an easement in favour of the City/public.

Importantly, there is no evidence that City ownership of the private road is necessary for the development to proceed or for public access through the development, including the retail component, to be secured.

In fact, City staff have consistently advised that the use of a private road to support the development is appropriate in these circumstances. City staff have done so in reports issued in 2021, 2024, 2025 and again through the issuance of NOAC in February 2026.

For all the above reasons, we respectfully request that Community Council accept the recommendations set forth in the November 6, 2025 Decision Report - Approval and the advice of City staff and do so without any further delays or changes.

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Thank you.

Yours truly,

AIRD & BERLIS LLP



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