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January 21, 2026

Our File No.: 253150

Via Email: *phc@toronto.ca*

Planning and Housing Committee
100 Queen Street West
Toronto, ON M5H 2N2

Attention: Planning and Housing Committee Members

Dear Sirs/Mesdames:

Re: Item PH27.5 - 9 Shortt Street - Zoning By-law Amendment Application - Decision Report – Approval

We are counsel to the registered owners of 1840, 1842, and 1862 Eglinton Avenue West, and 2388 and 2400 Dufferin Street (collectively, the "Properties"), located within the same City block as the CreateTO property at the corner of Eglinton Avenue West and Dufferin Street. The Properties are home to several established businesses, including a Dollarama and Shoppers Drug Mart that have served this community for years.

Our client supports the introduction of new housing to the area, including affordable housing. However, we write to express serious concerns that the proposed redevelopment of 9 Shortt Street, as currently designed, will significantly disrupt operations at these existing businesses. We respectfully request that the plans be reviewed and revised to ensure the continued viability of these businesses.

Easement Rights and Access

The property at 9 Shortt Street is subject to a registered easement in favour of 2388 Dufferin Street, which is tenanted by Dollarama. This easement provides pedestrian and vehicular access over 9 Shortt Street, and Dollarama relies on it for loading, waste collection, and recycling pickup. A copy of the easement is attached.

The proposed development shows below-grade building levels within the easement area, which would necessitate closure during construction. Our client holds a legal right to free and uninterrupted use of these easement lands. The City cannot unilaterally prohibit access, even temporarily, without consent, and our client does not consent to any restriction at this time.

The City staff report recommending approval of the zoning by-law amendment application makes no mention of the easement nor its implications.

Impacts on Business Operations

The current plans raise several additional concerns regarding business operations on the Properties.

We have reviewed the turning vehicle maneuvering diagrams in the BA Group Report dated October 16, 2025, and we have concerns that trucks may have difficulty accessing the Dollarama loading area.

The primary customer entrance to Dollarama fronts the existing parking lot on 9 Shortt Street. The current plans ignore this entrance entirely and show a planter blocking the storefront doorway.

The Shoppers Drug Mart at 1840 Eglinton Avenue West has its loading facility and waste and recycling collection at the rear of the property. The proposed plans would restrict vehicle access to this area, which would be detrimental to ongoing operations. A photograph showing the Dollarama and Shoppers Drug Mart, facing 9 Shortt Street, is attached to this letter to highlight the impacts the proposed redevelopment will have on these businesses.

The proposed development threatens the viability of Dollarama and Shoppers Drug Mart, and possibly other abutting businesses, as no consideration has been given to how the proposed development relates to, and will impact, the long-standing and existing operations of these businesses.

Replacement Parking

The redevelopment proposes a total of 42 vehicle parking spaces, with 36 spaces for residents and only 6 spaces for non-resident parking uses (including visitors to the non-residential uses on the site). The Green P parking lot is not proposed to be replaced within the redevelopment nor is any publicly available commercial parking proposed. For the benefit of the community, CreateTO should incorporate much needed publicly available parking in the proposed redevelopment.

Technical Studies Require Further Attention

The Noise Study prepared by RWDI speaks to mitigation measures to ensure compatibility with nearby commercial uses, among other potential noise sources. It is incumbent that the report's recommended mitigation measures are secured and implemented so there are no compatibility issues that may arise in the future. As recommended by the report, central air-conditioners should be required so windows in all suites can remain closed. Warning clauses should also be required that speak to noise in proximity to nearby commercial and industrial uses.

The Pedestrian Level Wind Study identifies uncomfortable wind conditions, including on our client's lands, resulting from the proposed development. The study suggests that further mitigation

can be addressed at the site plan stage. Wind impacts must be studied and mitigated now, before zoning permissions are granted. If conditions cannot be adequately mitigated, changes to the built form may be necessary.

Request for Collaboration

Our client and its tenants are open to working with CreateTO to find a mutually agreeable solution that allows the redevelopment to proceed within the easement lands while ensuring that existing businesses on the Properties can continue to operate without undue constraint.

As such, we urge the Committee to refer this matter back to staff, and to direct that discussions be held with the affected owners and tenants with a view to finding a solution that will allow businesses to continue and this development to proceed.

We intend to depute at the upcoming Planning and Housing Committee meeting and will expand on these concerns at that time.

We appreciate your attention to these matters and look forward to a productive dialogue.

Respectfully,

Goodmans LLP



Joe Hoffman
JH/rr

SCHEDULE “A”
Easement Document

YORK 444211

DATED APRIL 1ST 1959

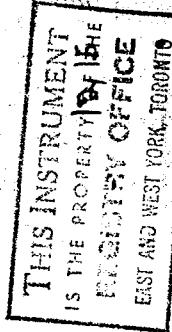
H. S.
Deed of the
Land to
Mr. Charles E. S.
at 1000

I certify that the within instrument is duly
entered, registered and acknowledged in
the Registry Office of the Registry Di-
vision of the East and West Riding of the
County of YORK

1000
at 1000 in the name of the
CITY OF YORK

8 JUL 1959
As per
444211

GRANT OF RIGHT OF WAY



51588-8 JUL 59

PETERSON and PETERSON
2350 Dufferin Street
Toronto 10, Ontario

*John Peterson
July 25 1959*

YORK 444211

THIS INDENTURE made in duplicate the first day of April, in the year of our Lord one thousand nine hundred and fifty-nine;

BETWEEN:

THE CORPORATION OF THE TOWNSHIP OF YORK;

Hereinafter called the PARTY OF THE FIRST PART;

AND:

THE CANADA LIFE ASSURANCE COMPANY, a Corporation having its Head Office in the City of Toronto, in the Province of Ontario, and

THE LONDON LIFE INSURANCE COMPANY, a Corporation having its Head Office in the City of London, in the Province of Ontario, and

THE MUTUAL LIFE ASSURANCE COMPANY OF CANADA, a Corporation having its Head Office in the City of Waterloo, in the Province of Ontario;

Hereinafter called the PARTIES OF THE SECOND PART;

WITNESSETH that in consideration of other good and valuable consideration and the sum of ONE - - - - - (\$1.00) - - - - - DOLLAR of lawful money of Canada now paid by the said Parties of the Second Part to the said Party of the First Part (the receipt whereof is hereby acknowledged), the said Party of the First Part DOTH HEREBY GRANT and convey unto the Parties of the Second Part, their successors and assigns, the owners for the time being, of ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the Township of York, in the County of York, being composed of Lot 4 and part of Lot 63 as shown on a plan filed in the Registry Office for the East and West Ridings of the County of York as Number 1855, and part of Lot 1 in the third concession west of Yonge Street in said township, and which said parcel is more particularly described as follows:

COMMENCING at the north-easterly angle of said Lot 4;

THENCE southerly along the easterly limit of said Lot 4 and the westerly limit of Dufferin Street as widened, ninety-five feet, five and one-quarter inches (95' 5 $\frac{1}{4}$ ") more or less to the point of

intersection by the southerly face of the southerly wall of the brick and concrete store building standing in May 1952 upon the lands herein described;

THENCE westerly along the said southerly face of wall a distance of one hundred feet and three-quarters inch (100' $\frac{3}{4}$ ") more or less to the production northerly of the westerly limit of Lot 3 according to said registered Plan 1855;

THENCE southerly along the said production a distance of nine and one-half inches (9 $\frac{1}{2}$ ") more or less to the north-westerly angle of said Lot 3;

THENCE westerly along a northerly limit of Lot 64 according to registered Plan 1855 a distance of thirty-nine feet nine inches (39' 9") to an easterly limit of said Lot 64;

THENCE northerly along said easterly limit of Lot 64 a distance of fifty-three feet and one-eighth inch (53' 1/8") more or less to the southerly limit of said Lot 63, being also a north-easterly angle of said Lot 64;

THENCE northerly in a straight line a distance of forty-one feet six and one-half inches (41' 6 $\frac{1}{2}$ ") more or less to a point in the northerly limit of said Lot 63 distant fifty-nine feet (59') measured easterly thereon from the north-westerly angle of said Lot 63;

THENCE easterly along the northerly limits of said Lots 63 and 4 a distance of one hundred and fifty feet eleven inches (150' 11") more or less to the place of beginning;

AND their agents, tenants, employees, workmen and all other persons by them duly authorized, a free and uninterrupted right of way in common with the Party of the First Part, its agents, tenants, employees, workmen and all other persons by it duly authorized, including the Parking Authority of the Township of York and its customers, for persons and vehicles through, along and over that certain parcel of land more particularly described as follows:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of York, in the County of York, being a right of way across part of Lot 64 and part of Shortt Street (closed by Township of York By-law Number 15708) as shown on a plan filed in the Registry Office for the East and West Ridings of the County of York as Number 1855 and which said parcel is more particularly

described as follows:

COMMENCING at the north-westerly angle of Lot 63 as shown on said plan;

THENCE "North 74 degrees East" along the northerly limit of said Lot 63, fifty-nine feet (59') to an iron pipe;

THENCE South 14 degrees, 50 minutes, 30 seconds East to and along an easterly limit of said Lot 64, ninety-four feet, eight and one-half inches (94' 8 $\frac{1}{2}$ ") to an iron pipe planted at an angle in said Lot 64;

THENCE South 14 degrees, 50 minutes, 30 seconds East along the southerly production of said easterly limit of Lot 64, five feet (5') to a point, being the place of beginning;

THENCE North 14 degrees, 50 minutes, 30 seconds West to and along said easterly limit of Lot 64, twenty-two feet (22');

THENCE South 75 degrees, 09 minutes, 30 seconds West, ninety three feet (93');

THENCE North 14 degrees, 50 minutes, 30 seconds West, fifty-feet (50');

THENCE South 75 degrees, 09 minutes, 30 seconds West, twenty-six feet (26');

THENCE South 14 degrees, 50 minutes, 30 seconds East to the easterly production of the southerly limit of Lot 69 as shown on said plan;

THENCE Easterly along the said easterly production of the southerly limit of Lot 69, twenty-six feet (26');

THENCE North 14 degrees, 50 minutes, 30 seconds West to intersect a line drawn on a course South 75 degrees, 09 minutes, 30 seconds West from the place of beginning;

THENCE North 75 degrees, 09 minutes, 30 seconds East, ninety-three feet (93') to the place of beginning;

THE said right-of-way being shown outlined in red on the sketch of survey, dated March 24th, 1958, with additions dated February 20th, 1959, prepared by W. S. Gibson and Sons, O.L.S. hereto attached.

PROVIDED that the frame building presently located on the herein described right-of-way shall be deemed not to be an encroachment and/or obstruction to the said right-of-way.

THE Grantor for itself, its successors and assigns, hereby acknowledges and agrees that it shall not by virtue of any present or future use thereof acquire any prescriptive or other rights in, to, over, along, upon or out of any part or all of the lands of the Grantees hereinbefore described.

IN WITNESS WHEREOF the Party of the First Part has hereunto affixed its corporate seal duly attested to by its proper officers in that behalf, this 8th day of April, 1959.

THE CORPORATION OF THE TOWNSHIP OF YORK

Howard A. Hall
Clerk

Chas. Troxler
Reeve

REFLECTIONS ON

(RECORDS ON FILE)
ABREY & CO., O.L.S.
S. LANSON, O.L.S.
M. M. GIBSON, O.L.S.

W. S. GIBSON & SON

ONTARIO LAND SURVEYORS

ESTABLISHED 1926
51 YONGE STREET PHONE MAYFAIR 0727

TORONTO 7.

Sketch of survey of Lot 4 and Part of
Part of Lot 1, Concession 3, West
Township of York, County

62 by Sy. Cross No 15708.

N. 75°09'30"E.
26'

RIGHT OF WAY

RIGHT OF WAY

22'

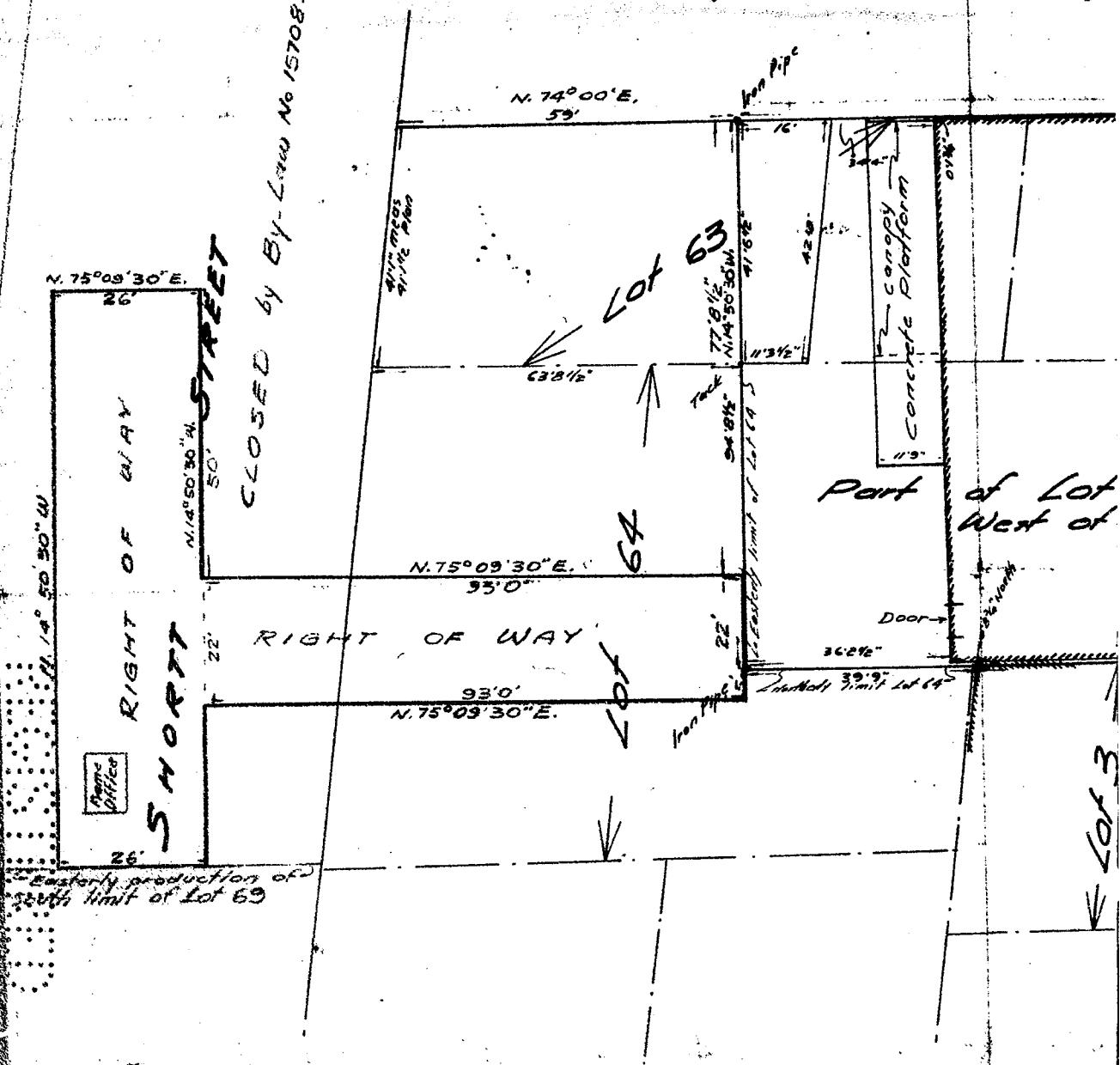
540 FT

N. 74°50'30"E.
50'

540 FT

East of production of
depth limit of lot 69

For: Loblaws Groceries Co. Ltd.,
Fleet and Bathurst Streets
Toronto, Ontario.



W. S. GIBSON & SONS

ONTARIO LAND SURVEYORS

ESTABLISHED 1829

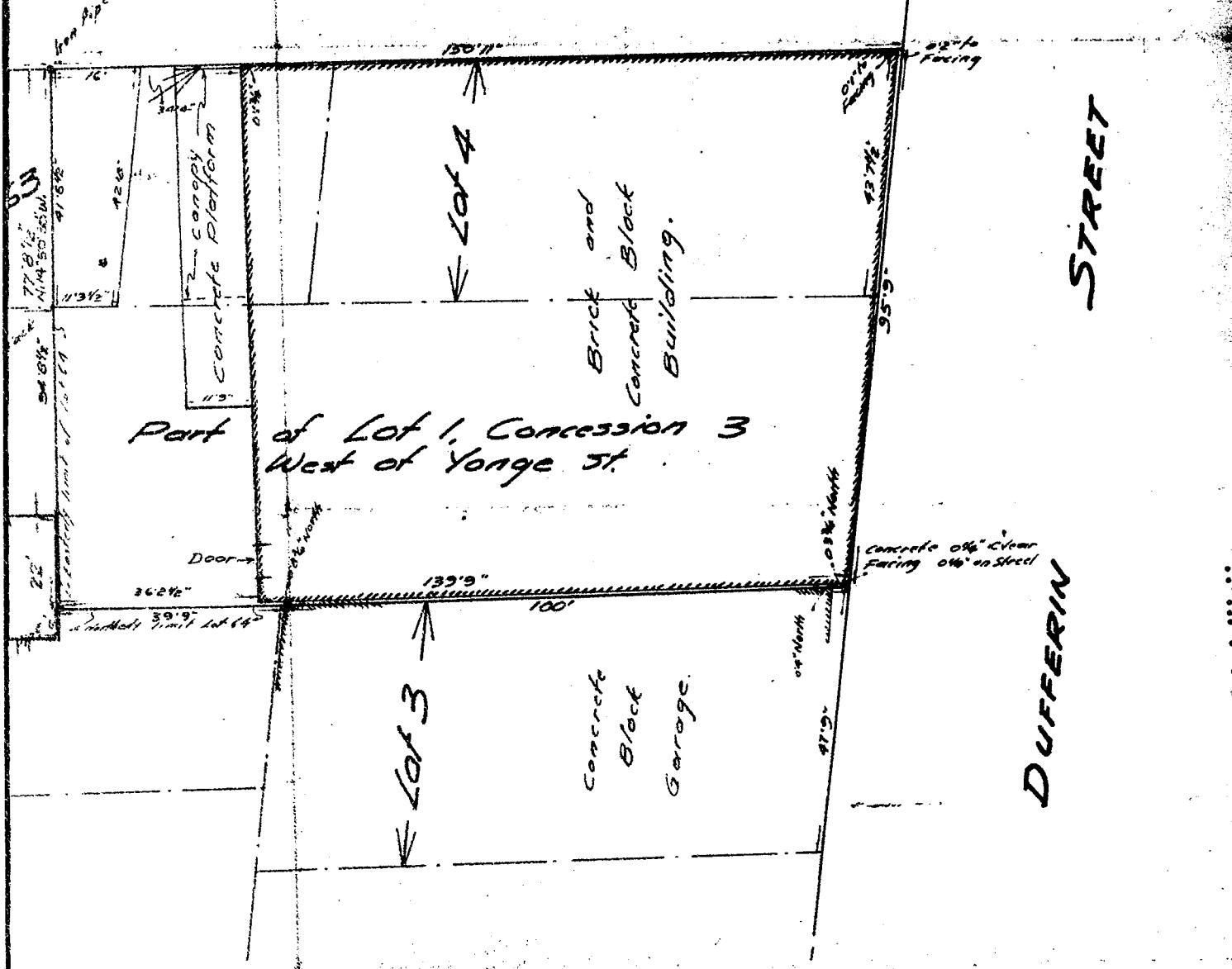
1851 YONGE STREET PHONE MAYFAIR 0727

17

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TORONTO 7, ONT. March 29th 1953.
Addition - February 20th 1953.

of Lot 4 and Part of Lot 63, Plan 1855 and
Concession 3, west of Yonge Street,
Kingston, County of York.



W. S. GIBSON & SONS
ONTARIO LAND SURVEYORS

SCHEDULE “B”

Picture of Dollarama and Shoppers Drug Mart



1375-2449-0523