

June 12, 2023

The City Clerk's Division  
The Corporation of the City of Richmond Hill,  
225 East Beaver Creek Road,  
Richmond Hill, Ontario, L4B 3P4

RE: Non-Residential Development Charges  
9355 Leslie Street, City of Richmond Hill  
Terra Hill Ambulatory Surgical and Medical Centre  
Site Plan # D06-21076 & D06-22057  
Building Permit Application # 2014-35579 (Revisions #5)

Hello,

Trust you are all well. We are writing as applicant, agent, and proxy of the Owner of 9355 Leslie Street, Richmond Hill (Terra Hill Ambulatory Surgical and Medical Centre). Thank you and your staff for all your collaboration and assistance to date regarding Development Charges at this property.

We are in receipt of the Invoice #2023062296, dated April 13, 2023, from the City of Richmond Hill for Development Charges levied on Site Plan Applications #D06-21076. Payment of Development Charges is required for the release of Building Permit Applications #2014-35779 (Revision #5) at the above-noted address.

We are writing to register a complaint with the council of the City of Richmond Hill under Section 20 of the *Development Charges Act* that Development Charges have been incorrectly determined and that there has been an error in the application of the City of Richmond Hill Development Charge By-law 47-19, as amended. We request to appear as a delegation before Council to make a deputation that these Development Charges should be exempted/refunded by the City of Richmond Hill for the reasons outlined below.

We further inform you that the property owner will pay the requested Development Charges under protest, as the development is under duress to acquire a building permit and avoid delays on site that would jeopardize the project. Despite payment of the Development Charges, we request to appear before City Council to present our complaint.

The complaint is made by the property owner of 9355 Leslie Street, whose information is as below:

Michael McConnell, CPA, CA Treasurer  
c/o Terra Hill Ambulatory Surgical and Medical Centre  
17 Prince Arthur Ave, 2<sup>nd</sup> Floor  
Toronto ON M5R 1B2

# NORR

Municipally known as 9355 Leslie Street/20 Brodie Dr, City of Richmond Hill, the 'Subject Site', is located within the built boundary of the City fronting on Leslie St, north of 16<sup>th</sup> Ave, City of Richmond Hill, Regional Municipality of York and bound to the east by Brodie Dr. The site is designated Employment Lands/ Employment Area (Urban Structure Schedule A1 and A2) and zoned MC-1, By-law 150-80, [as amended], and City-wide amending By-law 100-10. The existing 13,434 sm vacant shell/under construction building is proposed to be redeveloped and a nominal expansion constructed.

The proposed use of the building is a D occupancy, medical office/center for routine out-patient surgical procedures that do not require hospital admission. Terra Hill Ambulatory Surgical and Medical Centre is a 100% philanthropic and a charitable organization (see attached) and no Provincial capital funding has been provided. In order to support the proposed use, there is a significant amount of non-occupied building area that needs to be constructed and used exclusively for mechanical support.

The combined proposal under Site Plan Applications D06-21076 and D06-22057 is to enlarge the building area by 5,763 sm for increased power plant requirements, new mechanical areas, a stand-alone accessory structure to house an emergency backup generator, and pedestrian linkages to a new carparking level on the existing parking structure (please refer to attached architectural drawing set of site/floor plans).

Of this total proposed 5,763 sm increase in Gross Floor Area (GFA) only 307 sm (5.5%) is dedicated to new office/retail, 2,491sm (43.5%) is for washrooms, corridors/circulation and existing 'client/patient' waiting areas and the majority 2,965 sm (52%) is exclusive mechanical/service area (F type building occupancy) (refer to summary table below).

ITEM	EXISTING "As Built" APPROVED GFA (SQ.M)	APPROVED GFA (SQ.M) for Minor Variance Jan 2022	ADDITIONAL CURRENT GFA (SQ.M) SPA # 3			TOTAL ADDITIONAL GFA	Revised FLOOR GFA (SQ.M) for SPA # 3
			New GFA - Programmed		New Mech. Services (Generator Building, Mechanical/ Elevators etc.)		
			B1: Circulation/ Waiting Area/ Washrooms	B2: Facilities Management Office / Retail	C: Mech. Services/Elev GFA		
L0	944.50	1,551.01			458	565	1,510
L1	2,901.60	3,563.28		107	675	675	3,577
L2	2,812.72	2,917.43			90	90	2,903
L3	1,586.72	2,159.33	288		467	755	2,342
L4	1,586.72	1,925.88	315		55	370	1,957
L5	1,586.72	1,682.07	165		55	220	1,807
L6	1,586.72	1,682.07	165		55	220	1,807
L7 (Penthouse)	428.29	799.84			385	385	813
<b>TOTAL</b>	<b>13,434</b>	<b>16,302</b>	<b>933</b>	<b>107</b>	<b>2,240</b>	<b>3,280</b>	
P1			440			440	440
P2			19			19	19
P3			19			19	19
P4 & INFILL			1,080	200		1,280	1,280
INFILL Roof - MECH. AHU RM.					300	300	300
GENERATOR BUILDING					425	425	425
<b>TOTAL ADDITIONAL GFA</b>			<b>2,491</b>	<b>307</b>	<b>2,965</b>	<b>5,763</b>	
<b>Total GFA for SPA # 3</b>			<b>2,798</b>				<b>19,197</b>

The proposed new GFA (power plant, generator, elevator core and a pedestrian link to the parking deck) does not create new occupied space or a new occupant load, but rather is infrastructure to support the proposed facility. Despite the increase in area, 95% of the increased GFA does not create an increased demand for many of the municipal services listed under the DC Bylaw (including recreation, library, highway, or public works services).

# NORR

Sec 10 (b) of the City-Wide Development Charges By-Law 47-19, Exemptions for Intensification of Residential Lands Uses and Enlargement of Existing Industrial Buildings, permits an enlargement of 50% or less of the original GFA to be exempt from new DCs. Given 95% of the proposed expansion is an F -occupancy (Industrial), we request the City consider this Industrial F Occupancy classification for the exemption of all mechanical areas. This exemption would likewise be consistent with Region of York's DC exemption for expansion of an industrial/office/institutional building.

Similarly, Sec 10 (b) of the City-Wide Development Charges By-Law 47-19, Renovation/redevelopment of a derelict building provides credits for redevelopment. We bring to the City's attention, the partially completed structure stood vacant for many years prior to Terra Hill Ambulatory Surgical and Medical Centre's acquisition of the facility and the extensive costs paid to rehabilitate the structure to occupiable standards.

Finally, Terra Hill Ambulatory Surgical and Medical Centre requests a full DC exemption given the facility is a charitable organization and this exemption is required by the facility to be viable.

We therefore request the City of Richmond Hill to fully exempt or at minimum reduce the required DCs to reflect only the new GFA that would impact City infrastructure demand, and which is not classified F-occupancy. It is our opinion that the current calculation of Development Charges does not reflect the intent of the DC By-law to charge new Development proportional to the increased demand for municipal services; to exempt expansions to industrial facilities; or to exempt the development of derelict and unoccupied sites. We therefore consider this application of the DC Bylaw to be erroneous, and request City Council review the charges imposed.

While this request is under consideration, the interim payment of the Development Charges is under protest, in order to secure the release of approved Building Permits that are required to avoid critical project delays.

Should you require additional information, please do not hesitate to contact the undersigned. We thank you for your time and consideration.

Yours very truly,



Valdemar Nickel, MScPI, PLE, RPP





City of Richmond Hill  
**Receipt Request - Development Section**

10 DC

**Date:** Apr 13, 2023

CHARGES	ACCOUNT	AMOUNT (\$)
City of Richmond Hill Development Charge	454400-61050	235,235,151.34
Education Development Charge	211045	40,140,424.70
<b>TOTAL - CERTIFIED CHEQUE REQUIRED</b>		<b>275,275,576.04</b>

**Receipt in the name** \* PLEASE ADD PAYEE ON RECEIPT

**File Number:** D06-21076 (X-REF: D06-13080)

**In Payment For:** 9355 LESLIE STREET  
 2,867 SQUARE METRE ADDITION

**PLEASE RETURN RECEIPT TO ANNA ROMANO, DEVELOPMENT SECTION - FINANCE DEPARTMENT**

(No.: 2023062296)

Please Note that these charges are subject to indexing pursuant to the various by-laws in place by the City, Region and School Boards















