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March 25, 2025

Our File Nos.: 171368 and 181355

Via Email

Richmond Hill City Council
225 East Beaver Creek Road
Richmond Hill, ON
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Attention: City Clerk

Dear Mayor West and Members of Council:

**Re: Proposed Comprehensive Zoning By-law (Centres and Corridors)
Staff Report SRPBS.25.029 – City File No. MZBA-23-0001
City Council Meeting – March 26, 2025 – Item 15.1.10**

We are solicitors for Metroview Developments (Harding) Inc. and Metroview Developments (Elmwood) Inc. (collectively, “**Metroview**”), the respective owners of the following properties which would be directly affected by the municipally-initiated Comprehensive Zoning By-law (“**CZBL**”) recommended for enactment in Staff Report SRPBS.25.029 (the “**Staff Report**”):

- The development site known municipally as 9825 and 9839 Yonge Street, 254, 258 and 264 Church Street and 11 and 17 Harding Boulevard East (the “**Harding Lands**”); and
- The development site known municipally as 9929, 9935 and 9939 Yonge Street and 186 and 188 Church Street South (the “**Elmwood Lands**”);

Metroview’s Harding Lands

The Harding Lands were the subject of a settlement with City Council to permit a mixed-use redevelopment with a maximum height of 22 storeys and a maximum density of 4.04 FSI, which was approved by the Ontario Land Tribunal (“**OLT**”) in its Order dated January 6, 2022 (Case No. PL171202) as By-law 117-21, being a further site-specific amendment to By-law 66-71, as amended, of The Corporation of the Town of Richmond Hill (the “**Harding ZBA**”).

The Harding ZBA sets out detailed development standards to facilitate the comprehensive mixed-use development, including permitted uses, floor space index, setbacks, building heights, permitted



encroachments, vehicular and bicycle parking rates, as well as a series of site-specific definitions. Moreover, the Harding ZBA includes a requirement for the owner to provide facilities, services or matters in the form of a lump sum cash payment toward the design, construction, completion and provision of a new linear park on the adjacent lands to the north (the future Miles Hill Parkette), as authorized under subsection 37(1) of the *Planning Act* as it read at the time. This contribution was further secured in a section 37 agreement registered on title to the Harding Lands.

The development of the Harding Lands is well underway, with construction already advanced to the above grade superstructure pursuant to building permits issued by the City. Metroview is also in the process of finalizing its park development agreement with the City.

Metroview's Elmwood Lands

The Elmwood Lands were the subject of a settlement with City Council to permit a mixed-use redevelopment with a maximum height of 21 storeys and a maximum density of 5.1 FSI, which was approved by the OLT in its Order dated May 27, 2022 (Case No. PL190574) as By-law 2-21, being a further site-specific amendment to By-law 66-71, as amended, of The Corporation of the Town of Richmond Hill (the "**Elmwood ZBA**").

The Elmwood ZBA also sets out detailed standards to facilitate the approved development, along with a similar requirement for the owner to provide facilities, services or matters in the form of a lump sum cash payment toward the design, construction, completion and provision of a new linear park on the lands to the north of the Harding Lands (the future Miles Hill Parkette), as authorized under subsection 37(1) of the *Planning Act* as it read at the time. This contribution was further secured in a section 37 agreement registered on title to the Elmwood Lands, and is fundamentally linked to the section 37 contribution and agreement for the Harding Lands.

Although the development of the Elmwood Lands has not yet commenced, Metroview is hoping to launch that project in the near future.

Effect of Repealing By-law 66-71 for the Metroview Lands

In the version of the CZBL attached to the Staff Report, section 1.14 proposes to repeal existing By-law 66-71, as amended, for those lands subject to the CZBL. Should this repeal occur, it would have the effect of immediately extinguishing the section 37 requirements for the Harding Lands and the Elmwood Lands pursuant to the transitional provisions in subsection 37.1(4) of the *Planning Act*. This would clearly be an unintended consequence.

Expected Revisions to CZBL

In light of the foregoing concerns and discussions held with City staff over the past few days, we understand that a revised version of the CZBL will be recommended for enactment by City Council. Although the revised version has not yet been posted to the agenda for the March 26, 2025 Council meeting, we understand that Schedules A4-6, B4-6 and C4-6 have each been revised



to remove Metroview's Harding Lands and Elmwood Lands from the "AREA SUBJECT TO THIS BYLAW". These revisions will ensure that the CZBL will not apply to either of the Harding Lands or Elmwood Lands (pursuant to section 1.2 of the CZBL) and that the existing site-specific Harding ZBA and Elmwood ZBA (and corresponding section 37 provisions) will remain in effect.

We are pleased to advise that these revisions address Metroview's concerns with the new CZBL since it will no longer apply to the Harding Lands or Elmwood Lands. We appreciate the productive discussions and good faith efforts of City staff to avoid the unintended consequences that would have otherwise occurred based on the previous draft.

In the event that the final version of the CZBL enacted by Council does not remove the Harding Lands and Elmwood Lands from the application of the by-law, Metroview would have significant concerns with some of the new development standards that would suddenly apply to its approved development projects, particularly those pertaining to mandatory electric vehicle parking space requirements. Although the transition provisions in section 1.12 of the CZBL may be intended to avoid the application of the new standards to recently-approved projects, those transition provisions will expire after three years or the issuance of building permits, and it would not be appropriate for the Harding Lands or Elmwood Lands to be put into a non-conforming situation.

Accordingly, Metroview reserves its right to appeal the CZBL if the final version enacted by Council applies to the Harding Lands or Elmwood Lands.

Summary

Thank you for your consideration of Metroview's submissions. Please ensure we are provided with notice of any decision(s) made by Council in respect of this matter.

Yours truly,

Goodmans LLP

A handwritten signature in blue ink, appearing to read "Ian Andres", with a long, sweeping underline.

Ian Andres
IDA/rr

cc: Dalvir Passi, Metroview Developments