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September 16, 2025

VIA EMAIL

Mayor David West and Members of Council
City of Richmond Hill
225 East Beaver Creek Road
Richmond Hill, Ontario
L4B 3P4

Your Worship and Members of Council

Attention: Stephen Huycke, City Clerk

**RE: Request to Amend Attachment to Item 11.8 – SRPBS.25.081
Comprehensive Zoning By-law 93-25
Committee of the Whole Meeting – September 17, 2025
9251 Yonge Street**

We are the lawyers for Yonge Sixteen Inc., being the owner and developer of the lands municipally known as 9251 Yonge Street in the City of Richmond Hill (the “**Site**”). The Site is located within the Yonge and Carrville / 16th Avenue Key Development Area. We have reviewed the draft Comprehensive Zoning By-law 93-25 (“**Draft By-law 93-25**”) which is being considered as “Item 11.8 – SRPBS.25.081” by the Committee of the Whole on September 17, 2025. We are writing to provide our preliminary concerns in respect of Draft By-law 93-25.

Background

Our client’s lands are the subject of site-specific approvals for an Official Plan Amendment and Zoning By-law Amendment. By way of background, the development proposed by our client and implementing site-specific applications were supported by City staff. Our client appealed the site-specific applications to the Ontario Land Tribunal (the “**Tribunal**”) in June 2021 (OLT Case No. OLT-21-001156) on the basis of non-decisions. The appeals proceeded to a hearing in October 2022 and the Tribunal approved the applications in principle, but withheld its final order until certain conditions have been satisfied. Our client is in the process of resolving those conditions with City staff.

On March 4, 2025, our client submitted correspondence outlining its concerns with the City’s Comprehensive Zoning By-law 30-25 (City File No. MZBA-23-0001), which proposes to repeal and replace various existing by-laws throughout the City. On April 28, 2025, our client subsequently appealed City Council’s approval of By-law 30-25 to the Tribunal. City staff have since recommended that City Council repeal By-law 30-25 in a staff report dated September 17, 2025 (i.e. report number SRPBS.25.081). This staff report also recommends that City Council enact Draft By-law 93-25.

It is our understanding that Draft By-law 93-25 is intended to carry forward the zoning provisions proposed under By-law 30-25. We note that Schedule “D” (Map D) to Draft By-law 93-25 identifies the Site as part of Parking Strategy Area 1.

The Site is located within “Protected Major Transit Station Area 39 – 16th-Carrville BRT Station” (PMTSA 39).

Concerns with Comprehensive Zoning By-law 93-25

We enclose herewith a copy of our previous correspondence to City Council dated March 4, 2025 that we filed prior to the enactment of By-law 30-25, along with our letter of appeal filed in respect of same. To the extent that Draft By-law 93-25 proposes the same or a similar zoning framework as By-law 30-25, our client’s concerns in respect of the latter continue to apply.

To the extent that Draft By-law 93-25 conflicts with, or is in any way inconsistent with the site-specific approvals granted by the Tribunal for the site, including the introduction of new zoning requirements that are not otherwise contemplated by the approved development, our client objects thereto.

We submit that it would be appropriate to modify Draft By-law 93-25 to introduce a site-specific exception that applies to the Site, ensuring that the zoning provisions applicable to the Site will fully permit the development approved by the Tribunal.

We hereby request written notice to the undersigned and Natalie Ast (nast@overlandllp.ca) of any decisions by City Council, or any Committees of Council, in respect of this matter.

Yours truly,

Overland LLP



Per: Daniel Teichman
Associate



Fw: Richmond Hill -- Centres and Corridors Zoning By-law (MBA-23-001)

From Natalie Ast <nast@overlandllp.ca>
Date Mon 2025-04-28 10:35 AM
To Daniel Teichman <dteichman@overlandllp.ca>

From: Christopher Tanzola <ctanzola@overlandllp.ca>
Sent: Tuesday, March 4, 2025 4:51 PM
To: Carlton Thorne <carlton.thorne@richmondhill.ca>; zoning@richmondhill.ca <zoning@richmondhill.ca>; clerks@richmondhill.ca <clerks@richmondhill.ca>; salvatore.aiello@richmondhill.ca <salvatore.aiello@richmondhill.ca>
Cc: Natalie Ast <nast@overlandllp.ca>; Justine Reyes <jreyes@overlandllp.ca>; Daniel Artenosi <dartenosi@overlandllp.ca>; Michael Cara <mcara@overlandllp.ca>; Rowan Barron <rbarron@overlandllp.ca>; Daniel Teichman <dteichman@overlandllp.ca>
Subject: Richmond Hill -- Centres and Corridors Zoning By-law (MBA-23-001)

Hello All,

I understand there is a report going to the March 19, 2025 City Council meeting regarding zoning for the Centres and Corridors (**SRPBS.25.029** – Request for Approval – Comprehensive Zoning By-law (Centres and Corridors) – City File MZBA-23-0001).

Can you please advise how this matter relates to **SRPBS.25.017** – Request for Comments – Comprehensive Zoning By-law Project (Centres and Corridors) – City of Richmond Hill – City File MZBA-23-001, which was before the Committee of the whole on February 25, 2025 and received for information purposes.

Our firm represents:

- Taheri Development Ltd. & 9218 Yonge Street Inc., the owner of lands at 9218 Yonge Street; and
- Yonge Sixteen Inc., the owner of the lands at 9251 Yonge Street.

Both properties are the subject of site-specific approvals (Official Plan Amendments and Zoning By-law Amendments), approved recently by the Ontario Land Tribunal.

Nothing in the City's current zoning exercise for Centres and Corridors should derogate from the site-specific approvals for these properties approved by the OLT in Case No. 22-003667 and No. 21-001156, respectively. Transition provisions in the Centres and Corridors zoning by-law should respect the fact that the OLT has made a substantive decision on the zoning for these properties and should not be drafted in a way that suggests there is a time-limit to the approvals already obtained through the Planning Act process. Substantively, the Centres and Corridors zoning by-law should implement the site-specific permissions, including uses, heights, density, parking, and built-form permissions already obtained through the Planning Act process.

We note in particular that despite the fact that the most recent draft Table of Contents indicates that there should be transition provisions related to Planning Act approvals in Section 1.12.3, that section deals only with permissions under Section 45(2) of the Planning Act.

We note that Section 19 of the draft Centres and Corridors zoning by-law provides for site-specific exceptions. However, the properties are not included in this section in the current draft. Staff should be directed to engage with our clients to determine whether incorporation of a site-specific exception in Section 19 would address the concerns noted above.

To the extent that the proposed Centres and Corridors zoning by-law does not respect the existing approvals for these properties, our clients object thereto.

Please ensure that this correspondence is included with the above noted items for consideration by the Committee of the Whole and by City Council before it makes a decision on this matter.

Please provide us notice to all the members of our firm listed on this email of consideration of this matter by the Committee of the Whole, City Council, and any other committee of Council. Our email addresses are listed above. Our mailing address is Overland LLP, 5255 Yonge Street, Suite 1101, Toronto, ON, M2N 6P4.

Thank you,
Chris

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April 28, 2025

VIA E-MAIL & COURIER

Stephen M. A. Huycke, City Clerk
The Corporation of the City of Richmond Hill
225 East Beaver Creek Road
Richmond Hill, ON L4B 3P4

Dear Mr. Huycke:

**RE: City of Richmond Hill Master Zoning By-law No. 30-25 / City File No. MZBA-23-0001
Appeal pursuant to Subsection 34(19) of the *Planning Act*
Yonge Sixteen Inc.**

**** NOTICE OF APPEAL ****

We are the lawyers for Yonge Sixteen Inc. ("**Yonge Sixteen**"), being the registered owner of the property municipally known as 9251 Yonge Street (the "**Site**") in the City of Richmond Hill (the "**City**").

We are in receipt of the Notice of Adoption dated April 8, 2025 of the City's Comprehensive Zoning By-law No. 30-25 (the "**CZBL**") which proposes to repeal and replace various existing zoning by-laws throughout the City. On March 4, 2025, Overland LLP submitted email correspondence to City Council outlining Yonge Sixteen's general concerns with respect to the CZBL. A copy of our previous correspondence is enclosed as Schedule A.

On behalf of Yonge Sixteen, we hereby appeal the City's adoption of the CZBL to the Ontario Land Tribunal (the "**Tribunal**") pursuant to subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended (the "**Appeal**"). The reasons for the Appeal are generally set out below and include the reasons set out in the enclosed letters of concern.

BACKGROUND

The Site is located on the east side of Yonge Street, south of the intersection of Yonge Street and 16th Avenue. The Site is approximately 0.759 hectares in size with 57 metres of frontage along Yonge Street, and 73 metres along 16th Avenue, and is currently occupied by a four-storey building, containing a mix of commercial and office uses.

Our client's lands are the subject of site-specific applications for an Official Plan Amendment and Zoning By-law Amendment (together, the "**Applications**"). The Applications seek to permit a high-density mixed-use proposal comprised of two towers with heights of 43 and 38 storeys, atop a 6-storey podium, a maximum podium height of 6-storeys and a maximum tower floor plate of 815

square metres. The combined maximum gross floor area on the Site shall be 66,550 square metres, of which a minimum of 1,400 square metres is non-residential gross floor area, and a maximum Floor Space Index (FSI) of 8.77 for the Site based on a lot area of 7,590 square metres (the “**Proposed Development**”).

The Applications were subsequently appealed to the Tribunal in June 2021 (OLT Case No. 21-001156) on the basis of non-decisions. The appeals of the Applications proceeded to a hearing in October 2022, and an Interim Order issued on December 6, 2023, which allowed the appeals in part, and approved the Official Plan Amendment and Zoning by-law Amendment (the “**Site-Specific ZBLA**”), in principle, in order to permit the Proposed Development (collectively, the “**Site-Specific Approval**”). A Decision was subsequently issued on September 16, 2024, amended on October 28, 2024. A copy of the Tribunal’s written decision is attached as Schedule B.

The Site is also the subject of an ongoing application for site plan approval (City File No. D06-17009) which is progressing in tandem with the finalization of matters relating to the Site-Specific Approval including the satisfaction of pre-conditions before the Tribunal’s Final Order issues.

The Site is located within the boundary of the Yonge and Carville / 16th Avenue Key Development Area which is the subject of the City’s Official Plan Amendment No.18.5 (“**OPA 18.5**”). On April 15, 2024 Yonge Sixteen appealed OPA 18.5 to the Tribunal (OLT Lead Case No. 24-000485). The purpose of the appeal of OPA 18.5 was to ensure that OPA 18.5 is consistent with the Site-Specific Approvals, including through the use of any site-specific exemptions from the proposed policies of OPA 18.5.

REASONS FOR THE APPEAL

Inconsistent Zoning Standards

Notwithstanding the foregoing Site-Specific Approval that has been granted, the Site is expressly excluded from the CZBL on certain schedules (such as Schedule “A3” which identifies the Site as an “Area Not Subject to this By-law”) but included on other schedules (such as Schedule “D1” which delineates the City’s Parking Strategy Areas and identifies the Site as “PSA 1”). As a result of this inconsistency, there is some uncertainty as to whether the CZBL is intended to apply to the Site.

Additionally, no site-specific exception has been included for the Site under Section 19.0 of the CZBL, and the CZBL does not otherwise recognize the existing site-specific zoning standards that were approved in principle for the Site as a result of the Site-Specific Approval.

Transition Provisions

The proposed transition provisions contained in Section 1.12 of the CZBL do not provide for the recognition of previous zoning approvals through a decision of City Council or the Ontario Land Tribunal. Further, the transition provisions provided for minor variance, consent, site plan and

heritage approvals contained in Section 1.12 are proposed to expire at the issuance of a building permit, or within 3 years of the effective date of the CZBL.

The proposed transition provisions are underinclusive as they fail to recognize previous zoning approvals. There is no reasonable basis to exclude such recognition, particularly where such previous approvals were the subject of an iterative planning process and determined in accordance with current policy directions and principles of good land use planning.

While the transition provisions would recognize certain historic approvals, they would effectively expire upon the earlier of the issuance of a building permit for a proposed development or on the third anniversary of the passing of the CZBL by City Council. The transition provisions will either unduly limit the ability for landowners to rely on historic approvals, and/or render newly-constructed developments as legal non-confirming. We note that there is no companion requirement to ensure that the CZBL is updated to reflect site-specific approvals coincident with the expiry of the transition provisions.

The Site-Specific Approval contains the appropriate development and zoning standards for the Site. To the extent that the CZBL fails to implement the outcome of the site-specific planning process undertaken for the Site through the Site-Specific ZBLA, (which was considered under the applicable Provincial Policy, the York Region Official Plan and the City's Official Plan), we submit that the CZBL is inconsistent with the purposes of the *Planning Act* as set out in subsections 1.1(b) (c), (d) and (e), and does not have regard to matters of provincial interest as set out in Section 2 (h), (j), (n), (p), (q), and (r).

We submit that the Site-Specific Approval is consistent with the Provincial Planning Statement 2024 (“**PPS 2024**”). To the extent that the CZBL fails to recognize and ensure the ongoing recognition of the development standards contemplated by the Proposed Development to be implemented through the Site-Specific Approvals, the CZBL would result in a sub-optimal use of the Site. This result is not consistent with foundational policies contained in the PPS 2024, which seeks to promote the optimization of land use and infrastructure. For similar reasons, we submit that the CZBL does not conform with the YROP 2022 nor the City's Official Plan, and it does not constitute good planning.

We submit that the CZBL should be modified to include a site-specific zoning exception under Section 19.0 that reflects the zoning standards contemplated by the Proposed Development to be implemented through the Site-Specific Approvals.

REQUEST FOR A CASE MANAGEMENT CONFERENCE

We anticipate that numerous appeals of the CZBL will be filed by various parties. We request that a case management conference be held to canvass the various procedural matters, including the number of parties, the issues being raised and the potential number of witnesses to be called at a hearing of the appeals.

APPEAL MATERIALS

Please find enclosed a copy of the following in respect of the Appeal:

1. A copy of correspondence sent to Council;
2. A copy of the Tribunal's Decision in respect of the Site-Specific Approval;
3. A completed copy of the Tribunal's Appeal Form A1;
4. Our firm cheque in the amount of \$351.00 payable to the City of Richmond Hill, representing the City's processing fee for the Appeal; and,
5. Our firm cheque in the amount of \$1,100 payable to the Minister of Finance, representing the Tribunal's fee for the Appeals.

Should you require any further information, documentation or any other thing to constitute this appeal to the Tribunal, please advise the undersigned and Natalie Ast (nast@overlandllp.ca).

Yours truly,

Overland LLP



Per: Daniel Arsenosi
Partner

Encl.