

March 19, 2018

By E-Mail Only to clerks@richmondhill.ca

Council for the Town of Richmond Hill
225 East Beaver Creek Road
Richmond Hill, ON
L4B 3P4

Attention: Stephen Huycke, Town Clerk

Dear Members of Counsel:

**Re: Request for Direction Report No. SRPRS.18.068 (the "Report")
Official Plan Amendment Application D01-16003 & Zoning By-law
Amendment Application D02-16018 (together, "the Applications")
Committee of the Whole, March 19, 2018, Agenda Item 11.21**

We are counsel to the applicant, TSMJC Properties Inc. We have recently received a copy the Report.

In reviewing the Report, we note Recommendation "b)" provides:

That appropriate Town staff be directed to appear at the Ontario Municipal Board hearing in support of Council's position concerning the subject applications.

Recommendation "a)" provides that Council does not support the Applications.

As noted in the Report, our client was, and remains, an appellant in respect portions of Part 1 of the Town's Official Plan. Several policies and maps within that instrument remain subject to that appeal on a site and/or area-specific basis (the "**Part 1 Appeal**"). As Council is also now aware, our client has also appealed portions of the Yonge and Bernard KDA Secondary Plan.

In the past, our client has, with staff, undertaken discussions regarding the potential settlement of all, or portions of, its Part 1 Appeal and, throughout the appeal process has participated in settlement discussions and scoping exercises that have resulted in the withdrawal of various objections and/or the settlement of issues between our client and the Town.

As a result of such productive discussions, we are writing to request that Council make a simple modification to Recommendation "b)" prior to adoption.

As the Council is aware, Board-assisted mediation has been an effective method of resolving issues between parties and we respectfully suggest that such opportunity not be restricted.

Based on the wording of the current recommendation, it is not clear whether the recommendation was meant to include the possibility of such mediation or if the intention was that staff were suggesting that Council should not explore mediation of our client's appeal (or the others involving our client).

Assuming that the Town does not wish to foreclose on the opportunity to explore mediation, we submit the following alternative Recommendation b):

That appropriate Town staff be directed to appear at the an Ontario Municipal Board hearing and/or mediation in support of Council's position concerning the subject applications.

Our intent is to avoid the unintended consequence that Town Staff would require a *further* direction from Council prior to attending – or even exploring – a mediation.

Our client looks forward to the opportunity to discuss its application with Staff in the future and, notwithstanding the appeals of its Application, would be pleased to continue working with Town Staff and Council in an effort to resolve the issues separating all parties.

Thank you for considering our suggestion. We ask that receipt of this correspondence be acknowledged.

Yours truly,
DAVIES HOWE LLP



Aaron I. Platt

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copy: Mr. Peter Swinton, *PMG Planning Consultants*
Client