



January 15, 2024

Re: Ontario Land Tribunal Appeal - 3291 Kingston Road, 2 & 4 Windy Ridge Drive

Dear Ms. Matsumoto, Ms. Walberg, Ms Bisset,

The Cliffcrest Scarborough Village SW Residents Association (CSVSWRA) has a number of serious concerns about our experience related to OLT Appeal, OLT-22-004294 & OLT-22-004295 (3291 Kingston Road, 2 Windy Ridge Drive and 4 Windy Ridge Drive)

On November 30, 2022, CSVSWRA was granted Party status at the first CMC of the OLT Appeal. At the second CMC on March 8, 2023, CSVSWRA was represented by legal counsel William H. Roberts, Barrister and Solicitor.

CSVSWRA engaged legal counsel to ensure that we had a seat at the negotiation table. Not only did this belief originate from discussions with other RAs with experience with OLT appeals but from a report, ***Review of Mediation and Settlement in the Planning Process*** presented at the March 11, 2022 Planning and Housing Committee. In this report, the City Solicitor states:

- There are opportunities for public participation in OLT mediation, which interested members of the public can, and should be encouraged to, avail themselves of. (p.1)
- Members of the public can participate in the litigation as either a party or a participant in the hearing at the OLT. Through the appeal process, members of the public may seek to play a role in mediation, if it is held. (p.3)
- Mediation is voluntary, confidential and non-binding. It encourages collaboration and negotiation between parties and involves the intervention of a neutral third-party to assist in resolving disputes. Some or all parties to a dispute may choose to participate in mediation, but because it is voluntary, not all parties have to participate. (p.3)
- It is generally understood that other Parties in the proceeding (if any) will attend mediation also, to narrow or resolve their issues with a Planning Act proposal. (p.12)

During a call with Mr. Elmadany and Councillor Gary Crawford, CSVSWRA requested that we, the residents and the RA, be part of the conversation. **We followed up this request in our November 20th letter.** <https://cliffcrestscarboroughvillagesw.ca/data/documents/OLT-follow-up-with-Councillor-Crawford-re-3291-KR-November-20-2022.pdf>

As well, the OLT during the first CMC directed that the RA bring forward concerns of residents that asked for party status but were moved to participant status. The OLT encouraged parties to come with a settlement during discussions. On several follow-ups to City departments and our Councillors office, CSVSWRA was advised that because we had legal counsel, the correct procedure was that our lawyer needed to contact the City lawyer assigned to the file.

We would like an **opportunity to discuss with you why the City Solicitor and City did not engage with CSVSWRA as a Party**, why we were **excluded** from sharing the community's concerns with regards to studies and inappropriateness of this development as well as impacts so that they could be considered for the Direction Report.

On July 25th CSVSWRA submitted the following letter of concern to Councillor Crawford which captures events that led up to the City Council review and acceptance of the Direction Report.

<https://cliffcrestscarboroughvillagesw.ca/data/documents/CSVSWRA-City-Corresponence-follow-up-re-3291-KR-July-25-2023.pdf>

As well, City Council direction report details for 3291 Kingston Road were publicly available as of August 3, 2023 <https://secure.toronto.ca/council/agenda-item.do?item=2023.CC8.14>. **CSVSWRA** only learned by chance on September 15th that Direction Report document was posted publicly. Why did City Legal not share with the RA that this document was available for public review. How is this acting in good faith? How does this align with the City Solicitor report dated March 11, 2022?

For some background and concerns raised by CSVSWRA with this proposal see November 2022 presentation, <https://cliffcrestscarboroughvillagesw.ca/data/documents/Concerns-Presentation-to-City-Legal-OLT-21-11-22-REV.pdf> WE have much more information that could be shared regarding concerns that we did not have an opportunity to share.

CSVSWRA has other past experience with City legal on TLAB and OLT files. The City lawyers were willing to discuss issues with our representatives in a spirit of cooperation. Specifically, and very recently, a City Legal lawyer, took the time to explain the City's position regarding a somewhat challenging set of issues before TLAB. He inherently understood that despite the fact that we, as an association were a separate party, everyone would benefit if time was taken to clarify some of our mutual concerns. It is this type of cooperation that ensures that all interests are taken into consideration and all voices are heard.

CSVSWRA looks forward to hearing from you and for the opportunity to meet so that we can understand why the concerns of the community were not given consideration.

Sincerely,
Marina Tadenc
VP & Director on behalf of Board of Directors
Cliffcrest Scarborough Village SW Residents Association

CSVSWRA encourages you to read some of the Participant letters that were submitted which echo that the community remains very concerned about the impact this development could have.

To:

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