



July 25, 2023

Re: 3291 Kingston Road and 2 & 4 Windy Ridge Development Application

Dear Councillor Crawford,

For over 3 years, The Cliffcrest Scarborough Village South West Residents Association (CSVSWRA), has been very involved, and in continual contact with you and your office regarding the proposed development at 3291 Kingston Road and 2 & 4 Windy Ridge. As you and your office are aware, our concerns regarding this proposed development resulted in the CSVSWRA, both seeking and achieving 'Party Status' for the upcoming hearing at the Ontario Land Tribunal (O.L.T.B.). Having knowledge of the foregoing, we find it quite distressing that the first time your office informed us about the Request for Direction Report for this development being put on the July 19th, 2023 agenda of Scarborough Council was on July 17th, 2023.

CSVSWRA as a 'Party' did not have the opportunity to participate in discussions with the City prior to the submission of the Request for Direction Report presented to Council.

Now I am aware that City Legal has indicated to your Chief of Staff that they have made multiple attempts to meet with our legal counsel over the past month; however, I am emphatically stating that this is simply untrue. In fact, it is our legal counsel and expert who have been blocked and rebuffed by City Legal and City Planning. The only responses we did get from City Legal were as follows:

- A) a request to meet sent after regular business hours with invitations to meet first thing the next morning. Suffice to say the lack of lead time prohibited any one from attending a suggested a.m. meeting.
- B) a recent e-mail where I acknowledge City Legal did give us a full day's notice. Unfortunately, this was the day that the Direction Report was to be presented at City Council.

We understand that City legal and City Planning are independent and acting for the City, but we fail to understand why two of the parties to this proposal have been in discussions, while we 'holding party status were ignored. While staff may not want to talk to the public, it is odd they did not feel they should speak with our professionals to both advise us of the City's concerns and to understand our concerns. We fail to understand how this course of action assists in any attempts to come to a fair and reasonable resolution to at least some of the issues prior to the hearing.

CSVSWRA Legal and Planning team collaborated with the Applicant who was open to working with us to review the massing of the building. In May CSVSWRA sent back a list of items that were to be clarified with the Applicant. A follow up to the Applicant on July 14th with regards to these outstanding items is how we first learned that the Direction Report being on the July 19th City Council.

Please note that the Report for action dated **July 4, 2023** for this appeal states:

The Tribunal had originally scheduled a third case management conference on June 2, 2023, but it was later adjourned to September 14, 2023 to permit the City to seek instructions on the proposed development and allow further discussion with the parties and participants.

CSVSWRA has been engaged with you and your office for more than 3 years prior to this OLT Appeal in good faith and following your direction and city plannings. I am happy to provide documentation of CSVSWRA many attempts to bring attention to this specific development and other surrounding proposals that impact the BIG picture issues. Our calls for attention and action for detailed combined impact studies have for the most part been ignored. (Document

produced with a list of 101 concerns for this particular development, Secondary Plan requested back in 2021 with many follow ups, cumulative impact concerns raised with Toronto Water, TRCA and more.). When you and your staff did decide to meet with us it seems now you have been stalling for time. **When will you and the city prioritize and take the necessary action to address the concerns of residents?**

Kindly provide an update I can share with our membership.

Sincerely,
Marina Tadenc
VP & Director, Cliffcrest Scarborough Village SW Residents Association

**SUMMARY correspondence with City Teams and CSVSWRA:*

(Click on each bolded date in the summary to see full email chain pertaining to comment.)

February 26, 2023 - The CSVSWRA Planner attempted to reach out to City Planning and was told that protocols established by City Legal required all communication to go through Legal Council. 3

February 26, 2023 - CSVSWRA Legal was advised by City Legal that all communications with the Councillor or City Staff related to the appeal needed to go through legal Council to determine appropriateness. 4

March 3, 2023 - CSVSWRA Legal followed up with City Legal for information and was directed to speak to the Applicant. 5

March 28, 2023 - CSVSWRA Legal attempted to engage with City Legal but received no response. 6

June 29, 2023 - CSVSWRA Legal attempted again to reach out to City Legal suggesting 3 possible dates to connect. City Legal despite the details in the subject line asked what it was about and did not offer times he would be available..... 7

July 7, 2023 - Confirmation re CMC no response from City Legal to date. 8

July 13, 2023 - City Legal responds to the June 29th email **2 weeks later**. City Legal sends an email at 8:14pm suggesting a meeting at 8:30 am. CSVSWRA did not see this message as it was sent late in the evening for a meeting the next morning. CSVSWRA Legal responds the same morning offering alternate times to meet. 8

July 14, 2023 - CSVSWRA learns from the developer that Request for Direction report is going to City Council. 9

July 17, 2024 - The Councillors Office reached out to CSVSWRA offering an opportunity to meet. Marina Tadenc responded to Monique Lisi at **5:00pm** indicating it was a surprise to learn about the Request for direction report going to City Council since **City Legal or City Planning had not once engaged with the RA as a Party**..... 10

July 17, 2014 – Following the **5:00pm** email sent to the Councillor Office City Legal responded to CSVSWRA Legal July 14th email at **6:42 pm** with an offer to meet very next morning at 9:30 am, clearly this message was not received again by CSVSWRA Legal within a reasonable timeframe to accept. CSVSWRA Legal accepted the second option for July 19th, the same day that the Direction Report would be presented to City Council. **Is this reasonable engagement?** 11

February 26, 2023 - The CSVSWRA Planner attempted to reach out to City Planning and was told that protocols established by City Legal required all communication to go through Legal Council.

From: robert_stephens59 robert_stephens59 <robert_stephens59@sympatico.ca>
Sent: February 27, 2023 12:57 PM
To: Paul Zuliani <Paul.Zuliani@toronto.ca> Christian Ventresca <Christian.Ventresca@toronto.ca> Xue Pei
<Xue.Pei@toronto.ca> Rory McNeil <Rory.McNeil@toronto.ca>
Subject: 3291 Kingston Road and 2 & 4 Windy Ridge

Good afternoon! I have been retained by the Cliffcrest Scarborough Village SW Residents' Association to provide Urban Design consulting services with regard to the application and appeal of the proposal for 3291 Kingston Road and 2 & 4 Windy Ridge Drive. This e-mail is to make initial contact and ask if you could let me know where the application stands at your end.

Cheers
RS

Robert Stephens B.A., B.Arch
President, Publica Design Consultants Ltd
robert_stephens59@sympatico.ca
416 691 7068

From: Christian.Ventresca@toronto.ca
To: robert_stephens59@sympatico.ca; Xue.Pei@toronto.ca; Rory.McNeil@toronto.ca
Sent: Tuesday, February 28, 2023 4:40 PM
Subject: RE: 3291 Kingston Road and 2 & 4 Windy Ridge

Hi Robert,

I understand that our lawyer has been in touch with your client's legal rep and he would prefer that requests happen through those channels.

At a high level, I think when we last commented on the applicant's submission outlining a number of issues largely centered on built form, servicing and forestry concerns. They have had a couple questions of clarification but have not yet submitted anything on record through their solicitor as they consider what the comments say.

Just to make sure we're all managing the requests though I'd like to abide by the communication protocols established by legal counsel so have William reach out to Daniel if you have more detailed requests for disclosure etc.

Thanks,
CV.

Christian Ventresca, MScPL, MCIP RPP (he/him)

Acting Director - Community Planning, Scarborough District
Scarborough Civic Centre, 150 Borough Drive, 3rd Floor, Toronto, ON M1P 4N7
Phone 416.392.3439 \ Fax: 416.396.4265 \ christian.ventresca@toronto.ca \ www.toronto.ca

February 26, 2023 - CSVSWRA Legal was advised by City Legal that all communications with the Councillor or City Staff related to the appeal needed to go through legal Council to determine appropriateness.

From: Daniel.Elmadany@toronto.ca

To: willadvocate@aol.com

Sent: 2023-02-27 6:15:46 PM Eastern Standard Time

Subject: 3291 Kingston Road - CSVSW RA

Hi Robert,

I hope you are doing well. As the Cliffcrest Scarborough Village SW Residents Association are now represented, if there are any questions or communications from your clients regarding this appeal, I would appreciate that they come from you to me and then we can determine if that request or communication is appropriate to be advanced to City staff and the Councillor's Office.

It is unclear to me whether your client has retained any professional expert, can you please advise of their name and area of expertise?

I am trying to manage various sets of requests and need to ensure those that are represented have their Solicitor involved rather than reaching out directly to City staff or the Councillor's Office.

If you have any questions, please let me know.

Regards,

Daniel Elmadany | Solicitor, City of Toronto, Legal Services
Planning & Administrative Tribunal Law Section |
55 John Street, 26th Floor Metro Hall, M5V 3C6, Toronto
EMAIL FROM BILL TO Daniel approx. March 14th

March 3, 2023 - CSVSWRA Legal followed up with City Legal for information and was directed to speak to the Applicant.

From: William Roberts [mailto:willadvocate@aol.com]
Sent: March 3, 2023 3:44 PM
To: Daniel Elmadany <Daniel.Elmadany@toronto.ca>

Subject: [External Sender] Re: 3291 Kingston Road - CSVSW RA

I would appreciate knowing what is planned for the 8th at the OLT.

Also, I understand this matter may be going to either Community Council or Council in the near future on an in camera basis. I do not expect the details of any settlement but that there is one and that it is going to be considered.

I should be available Monday between 2 and 3:30 and Tuesday between 11 and 3 if you want to set up a time for a brief status update re 8th.

I am reviewing some of the documents to familiarize myself with the application.

Thanks.

Yours truly

William H. Roberts

Barrister & Solicitor

Notary Public

Jane-Park Plaza

203A/881A Jane St.

TORONTO, Ontario

M6N 4C4

416-769-3162

In a message dated 2023-03-03 3:50:43 PM Eastern Standard Time, Daniel.Elmadany@toronto.ca writes:

Hi William,

You can direct your question to the applicant's lawyer, it is their, not the City's CMC.

Regards,

Daniel Elmadany | Solicitor, City of Toronto, Legal Services

Planning & Administrative Tribunal Law Section |

55 John Street, 26th Floor Metro Hall, M5V 3C6, Toronto

T: (416) 397-5709 | F: (416) 397-5624 | E: Daniel.Elmadany@toronto.ca

March 28, 2023 - CSVSWRA Legal attempted to engage with City Legal but received no response.

From: willadvocate@aol.com

To: willadvocate@aol.com, Daniel.Elmadany@toronto.ca

Sent: 2023-03-28 3:48:29 PM Eastern Standard Time

Subject: Re: 3291 Kingston Road - CSVSW RA

As you are aware my client is a party and will be meeting with the applicant concerning the development.

My client does not want to take a position that is in opposition to that of the City and in any way undermines the position being taken by your planners; however my client does not know what position your planners have taken in regard to the proposal, except what was shown in the directions report.

Is it possible that my client's planner can meet with the City planner(s) on a planner to planner basis so he has a broad brush understanding of the issues from the City's perspective?

Thanks.

Yours truly

William H. Roberts

Barrister & Solicitor

Notary Public

Jane-Park Plaza

203A/881A Jane St.

TORONTO, Ontario

M6N 4C4

416-769-3162

June 29, 2023 - CSVSWRA Legal attempted again to reach out to City Legal suggesting 3 possible dates to connect. City Legal despite the details in the subject line asked what it was about and did not offer times he would be available.

From: willadvocate@aol.com

To: Daniel.Elmadany@toronto.ca

Cc: WILLADVOCATE@AOL.COM

Sent: 2023-06-29 3:33:45 PM Eastern Standard Time

Subject: : OLT-22-004294 & OLT-22-004295 – OLT 2 Windy Ridge Drive and 4 Windy Ridge Drive) -- WITHOUT PREJUDICE

I am writing to your solicitor to solicitor. The developer has approached us and of course he has approached your client.

It would make sense if we had a lawyer to lawyer talk in general terms about our respective approached.

We are in a sense operating blind.

If this makes sense contact me.

I am gone until the 10th. Are you available on the 11th or the 13th to the 15th to talk?

Yours truly

William H. Roberts

Barrister & Solicitor

Notary Public

Jane-Park Plaza

203A/881A Jane St.

TORONTO, Ontario

M6N 4C4

416-769-3162

From: Daniel.Elmadany@toronto.ca

To: willadvocate@aol.com

Sent: 2023-06-29 7:53:33 PM Eastern Standard Time

Subject: RE: : OLT-22-004294 & OLT-22-004295 – OLT 2 Windy Ridge Drive and 4 Windy Ridge Drive) -- WITHOUT PREJUDICE

Hi William,

I am not sure what you are referring to. I am available during that week you noted below. Please provide specific times you are available and we can talk.

Regards,

Daniel Elmady | Solicitor, City of Toronto, Legal Services

Planning & Administrative Tribunal Law Section |

55 John Street, 26th Floor Metro Hall, M5V 3C6, Toronto

T: (416) 397-5709 | E: Daniel.Elmadany@toronto.ca

July 7, 2023 - Confirmation re CMC no response from City Legal to date.

OLT-22-004294 & OLT-22-004295 – CMC Notice (3291 Kingston Road, 2 Windy Ridge Drive and 4 Windy Ridge Drive)

Molnar, Christopher (MAG)

Fri, Jul 7, 5:04 PM (12 days ago)

Good afternoon,

Please be advised that the Tribunal has scheduled a future Case Management Conference to be held on September 14, 2023 as per the letter attached above. For your convenience the call-in details are as follows:

AT: 10:00 AM

ON: Thursday, September 14, 2023

AT: <https://global.gotomeeting.com/join/709076365>

Access code: 709-076-365

July 13, 2023 - City Legal responds to the June 29th email **2 weeks later**. City Legal sends an email at 8:14pm suggesting a meeting at 8:30 am. CSVSWRA did not see this message as it was sent late in the evening for a meeting the next morning. CSVSWRA Legal responds the same morning offering alternate times to meet.

In a message dated 2023-07-13 8:14:47 PM Eastern Standard Time, Daniel.Elmadany@toronto.ca writes:

Hi William,

Are you free tomorrow July 14 at 830am? Apologies I've had hearings back and back and I haven't had a moment to breathe.

Daniel Elmadany

Solicitor, Planning & Administrative Tribunal Law

City of Toronto, Legal Services

T: (416) 397-5709

C: (647) 269-7463

E: Daniel.Elmadany@toronto.ca

From: William Roberts [<mailto:willadvocate@aol.com>]

Sent: July 14, 2023 11:13 AM

To: Daniel Elmadany <Daniel.Elmadany@toronto.ca>

Subject: [External Sender] Re: : OLT-22-004294 & OLT-22-004295 – OLT 2 Windy Ridge Drive and 4 Windy Ridge Drive) -- WITHOUT PREJUDICE

I did not see your e-mail last night and so no I am not. I am attending a specialist this afternoon and have to leave at 1.

Next week except for a TLAB hearing on the 20th I can be available generally between 11 and 3, although I can try to arrange different times if you let me know before 3 the day before.

Yours truly

William H. Roberts

Barrister & Solicitor

Notary Public

Jane-Park Plaza

203A/881A Jane St.

TORONTO, Ontario

M6N 4C4

July 14, 2023 - CSVSWRA learns from the developer that Request for Direction report is going to City Council.

July 17, 2024 - The Councillors Office reached out to CSVSWRA offering an opportunity to meet. Marina Tadenc responded to Monique Lisi at **5:00pm** indicating it was a surprise to learn about the Request for direction report going to City Council since **City Legal or City Planning had not once engaged with the RA as a Party.**

3291 Kingston Road Settlement Offer

Monique Lisi

Mon, Jul 17, 1:25 PM (3 days ago)

to me

Hi Marina,

I hope that you are well.

The Councillor has asked me to reach out to you regarding the Directions report coming to the City re: a settlement for 3291 Kingston Road.

This is the City 's settlement proposal, which is still a confidential attachment.

Understanding the different parties and the confidentiality of those individual settlements, would the RA like a meeting to discuss at all in advance of the July 19th Council meeting?

Thanks so much,

Monique

Marina Tadenc <mtadenc@gmail.com>

Mon, Jul 17, 5:00 PM (3 days ago)

to Monique

Hi Monique,

Hope all is well and thanks for reaching out to me.

It was a complete surprise when checking the agenda on Friday to learn about 3291 Kingston Road Directions report coming to the City Council this week given that the City Solicitor has not yet once engaged with the RA as a Party despite attempts by our Lawyer to engage.

I would welcome an opportunity to meet with Councillor Crawford. Janet May who be representing the RA on this application and myself can be available anytime after 6pm tomorrow.

Please let me know what works best?

Looking forward to your reply and opportunity to meet.

Sincerely,

Marina

Monique Lisi

Tue, Jul 18, 12:26 PM (2 days ago)

to me

Hi Marina,

Unfortunately, the Councillor is not available to meet after 6 pm today.

I have reached out to legal and they have demonstrated the multiple attempts to meet with your legal counsel over the past month.

I have just received an email stating that your legal counsel has just replied and that he will be speaking with Daniel tomorrow at 9:30 am.

Sincerely,

Monique

Marina Tadenc <mtadenc@gmail.com>

Jul 18, 2023, 5:58 PM (2 days ago)

to Monique

Hi Monique,

It was a short window to try to coordinate a meeting and unfortunate that we were not able to meet but do still appreciate the offer from the Councillor.

I remain baffled that given 3 years we have been very involved in this application Friday was the 1st time we learned about the Direction Report and this information came via the developer's lawyer.

Please note that the Report for action dated July 4, 2023 states:

The Tribunal had originally scheduled a third case management conference on June 2, 2023, but it was later adjourned to September 14, 2023 to permit the City to seek instructions on the proposed development and allow further discussion with the parties and participants.

This report will be discussed by City Council this week. The City has not participated in any discussions with the parties or participants.

At what point are residents' concerns captured?

I do not have access to my laptop to provide full details of correspondence with City staff to respond appropriately at this time, but will provide these details as soon as I am able.

Sincerely,
Marina

July 17, 2014 – Following the **5:00pm** email sent to the Councillor Office City Legal responded to CSVSWRA Legal July 14th email at **6:42 pm** with an offer to meet very next morning at 9:30 am, clearly this message was not received again by CSVSWRA Legal within a reasonable timeframe to accept. CSVSWRA Legal accepted the second option for July 19th, the same day that the Direction Report would be presented to City Council. **Is this reasonable engagement?**

In a message dated 2023-07-17 6:59:13 PM Eastern Standard Time, Daniel.Elmadany@toronto.ca writes:
William,

As I have a hearing throughout this week, if you can chat at 9:30 on Tuesday July 18 or Wednesday July 19, that would be appreciated.

Regards,

Daniel Elmadany | Solicitor, City of Toronto, Legal Services

From: William Roberts [<mailto:willadvocate@aol.com>]
Sent: July 14, 2023 11:13 AM
To: Daniel Elmadany <Daniel.Elmadany@toronto.ca>
Subject: [External Sender] Re: : OLT-22-004294 & OLT-22-004295 – OLT 2 Windy Ridge Drive and 4 Windy Ridge Drive) -- WITHOUT PREJUDICE

I did not see your e-mail last night and so no I am not. I am attending a specialist this afternoon and have to leave at 1.

Next week except for a TLAB hearing on the 20th I can be available generally between 11 and 3, although I can try to arrange different times if you let me know before 3 the day before.

Yours truly

William H. Roberts

William H. Roberts
Barrister & Solicitor
Notary Public
Jane-Park Plaza
203A/881A Jane St.

