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# DON MILLS RESIDENTS INC.

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November 2, 2021

**VIA EMAIL**

Mayor John Tory and Members of Council  
City of Toronto  
Toronto City Hall  
100 Queen Street West  
Toronto, ON M5H 2N2

Dear Mayor Tory

**RE: Don Mills Residents Inc. ats City of Toronto and C/F Realty Holdings Ltd.  
Court of Appeal File No.: C69640  
Our File No.: 1357**

I am the President of Don Mills Residents Inc. (“**DMRI**”), a resident’s organization representing residents of the Don Mills community of north Toronto. DMRI is one of the largest and most active residents’ groups in the City. We advocate for the interests of our community members and to improve the quality of life within the Don Mills area.

A longstanding goal of our organization has been to secure a community centre serving Don Mills. As part of a settlement of Ontario Municipal Board proceedings in 2010 for redevelopment of Don Mills Centre – which led to the current residential development associated with the Shops at Don Mills – it thought it had achieved that aim. Minutes of settlement entered into between DMRI, the City, and C/F Realty Holdings Ltd. (“**Cadillac Fairview**”) included a provision requiring the construction of a 48,000 square foot community centre at 966 Don Mills Road by October 2020.

Unfortunately the construction of that community centre never came to fruition. As part of the redevelopment of a property approximately one kilometre to the south of 966 Don Mills Road at the northwest corner of Eglinton Avenue and Don Mills Road (formerly home to the head offices of Celestica), the City recommended and agreed to the construction of a community recreation facility at that location. That facility would be constructed instead of the community centre agreed upon in the 2010 minutes of settlement.

This was an unacceptable outcome to the DMRI. It was undertaken without their consultation and, in its view, in breach of the 2010 minutes of settlement. In 2019 DMRI

initiated litigation over the issue. That litigation was, unfortunately, unsuccessful. DMRI's application was dismissed by the Superior Court in June 2021.

DMRI has serious concerns about the implications of the Superior Court's decision and has initiated an appeal of it to the Ontario Court of Appeal. Those appeal proceedings remain ongoing.

Despite the ongoing appeal proceedings the City has initiated a Zoning By-Law and Official Plan Amendment for 966 Don Mills Road that would remove the requirement that it be used for the construction of a community centre. Those Amendments will be before Council for consideration at its November 9<sup>th</sup> and 10<sup>th</sup>, 2021 meeting.

Although the community centre was never built at 966 Don Mills Road, the residential development approved for the surrounding area in the 2010 minutes of settlement continued apace. One of those developments is at 169 The Donway West. The developer of that site, Cadillac Fairview and 169 The Donway West Inc. ("**Lanterra**"), have proposed incorporating the construction of approximately 19,000 square feet of community space into its residential development at that property. That proposal will also be before Council for consideration at its November 9<sup>th</sup> and 10<sup>th</sup> meeting.

DMRI is supportive of Cadillac Fairview and Lanterra's proposal. It has communicated this support both to the developer and to the City. Unfortunately, the local Councillor is insistent that the proposal should only be allowed to proceed if DMRI withdraws its appeal to the Ontario Court of Appeal. DMRI views the two matters as being unrelated and it is unfair to expect it to waive its legal rights to have important issues of law and policy determined in the normal course through the Courts.

It is, nevertheless, sympathetic to concerns expressed by the City that if the proposal for 169 The Donway West is approved and DMRI is successful on its appeal, there would be as a result two community centres in very close proximity at Don Mills Centre. That is obviously impractical.

DMRI is a practical and productive organization. In order to resolve those concerns in a way that is beneficial to all involved it has been actively pursuing alternative solutions.

A large long-term care facility is operated in Don Mills by a non-profit organization known as Thompson House. The current facility is aged and in need of significant repair, or to be replaced in its entirety. The costs of repairs or replacement of that facility are beyond the resources of Thompson House and it is at risk of closure in the next few years if an alternative cannot be found. This would be a significant loss to the Don Mills community, which is in dire need of long-term care services.

It has not escaped the attention of DMRI that the Federal and Provincial governments have recently announced a large amount of funding for the creation or repair of long-term care facilities. This funding is intended to address and prevent the tragedies that occurred in our long-term care homes during the COVID-19 crisis. It is notable that Thompson House did not have a single case of COVID-19 at its facility in Don Mills during the crisis.

The DMRI has been in discussions with both the Provincial and Federal governments, as well as Thompson House, and have been working hard to secure an agreement-in-principle for the construction of a new long-term care facility in Don Mills. That facility would be operated by Thompson House to replace its existing facility and be financed using the available sources of government funding. Those discussions have been very positive, and an agreement is achievable.

The only thing that is missing is the land upon which to construct the proposed long-term care facility.

966 Don Mills Road offers an ideal solution. The land is currently vacant. The City itself undertook a scan of potential uses for the property, one of which was a long-term care or senior's facility. The scan revealed that the idea has strong support in the community. While a long-term care facility is not a community centre, it would be a significant benefit for the community and could potentially incorporate into its design other uses or aspects that would provide community benefits and amenity.

The City has not previously been a party to the discussions about the potential use of 966 Don Mills Road for a long-term care facility and other community uses. DMRI urges the City to become involved in those discussions and to support the use of those lands for that purpose. It is confident that, with the City's support, an agreement can be reached that will secure the use of a currently underutilized site; provide a substantial benefit to the community; and achieve public policy goals important to all levels of government.

But the type of agreement proposed above is complicated. It will take some time to complete. Negotiations cannot be completed by the November 9<sup>th</sup> and 10<sup>th</sup> Council meeting. We urge the City to extend the timeline for negotiations by deferring consideration of both the City-initiated Official Plan and Zoning By-Law Amendments and proposal for 169 The Donway West for 90 days in order to allow the discussions to be completed. DMRI is confident that those discussions will be successful and, provided that they are, would be prepared to withdraw its appeal to the Ontario Court of Appeal upon a successful agreement being reached.

We thank you for your consideration of this proposal and are hopeful that the City will become engaged in the discussions about the future of 966 Don Mills Road as a constructive and supportive partner.

Regards,



Stephen Ksiazek  
President DMRI