

August 11, 2010.

Dear Ombudsman

After a consultation with Stanley Knowles Coop members, I have been empowered to file a formal complaint on our community's behalf. We are concerned that a developer's proposal for a building at Orchard View Blvd and Duplex is on the North York Community Council's August 17, 2010 agenda without the benefit of a proper and fair process involving the whole community.

We are extremely displeased with the process the city used and we feel it severely prejudices the rights of residents to properly defend and advocate for their neighbourhoods.

Here are some of the issues:

We understand that the builder's proposals were considered by two city planners over the course of the last 8 years. Both of these planners were taking the concerns of the community seriously and there were indications that they did not support the developer's proposal. Recently, the second planner on the file was removed and replaced by Mr. Paul Byrne. In spite of there being no significant changes to the plans, Mr. Byrne is now supportive of the proposal. We wonder why essentially the same application would be rejected by two city planners who were mysteriously and suddenly pulled from the project and then hastily replaced by another who supports it?

The city planner only responded to our community's requests to attend a meeting after Councillor Karen Stintz pulled the development proposal from the June 22nd NYCC agenda. The councillor claimed that Mr. Byrne lacked consultation with the community. In less than 5 days after meeting the community on July 13th, Mr. Byrne made his decision. It seems to us that this was insufficient time to adequately investigate and consider all the concerns presented by the whole community. The community raised many concerns that do not seem to have registered with the planner.

The city planner appeared unaware of the recent Rio-Can proposal for an additional 5, and 7 stories on the top of its buildings at Yonge and Eglinton. These buildings face onto our building and street. These additional stories will significantly reduce daylight and sunlight to our apartments. The Orchard View / Duplex developer submitted their proposal prior to the approval for the Rio-Can project and the impact of this has not been considered. The city planner did not seem to consider Rio-Can's approved plans to refit its shopping centre with direct access from the southwest end of Orchard View Blvd.! No explanation of this absence of consideration was presented to us.

We perceive there to be a lack of transparency in the Planning Department itself. They have failed to date, in spite of several requests, to make clear the criteria used for the decisions they have made. In fact, there is a history of stone-walling that can be verified by a number of local residents.

We only very recently received the Final Staff Report for the Orchard View / Duplex proposal which now gives us insufficient time to rebut the specifics and prepare adequately for the August 17 meeting. It seems the “process” is stacked against the community and designed to thwart any kind of meaningful negotiation or input.

The Planning Department accepted a transportation report that was commissioned by the builder and executed by a consultant of the builder’s choice. The City explained that it is done this way so as not to burden the taxpayers with costs for the study. We feel the City should have picked an unrelated objective consultant from a pre-approved pool instead and then charged the developer a fee for the cost of the study. This way there is no cost to the taxpayer and we get an objective report. The City had the report for two years without consulting with the community or without verifying the accuracy of its contents. The City’s transportation department advised that there was no need to review it until the community started to complain.

In short, we feel the process was not transparent, there was no accountability, and we feel that the Planning Department has not prepared a fair and balanced Final Staff Report on the merits of this development application. It seems to us that the rush to meet Council deadlines before the October Elections became more important than good planning.

We believe this flawed process may have influenced a very flawed Final Staff Report approving of a poorly planned development proposal.

Please acknowledge by email the receipt of this complaint. I and other members of the community neighbourhood would be happy to discuss further details.

Sincerely,

Katerina Fisher
Stanley Knowles Coop member
kateriny@gmail.com