



## Ontario Land Tribunal

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## Participant Status Request Form and Participant Statement Form

This form is expected to be provided at least 10 days in advance of the first hearing event to the Tribunal and all parties. Please contact the assigned Tribunal Case Coordinator to verify the relevant contact information for the parties. A paper copy of this form must also be provided to the Tribunal Member at the first hearing event.

**Important:** This form includes your written request for participant status and your participant statement. The presiding Tribunal Member will consider your request and the participant statement provided below at the hearing event prior to determining whether to grant you participant status and accept your participant statement.

Request Date (yyyy/mm/dd): 2022/11/21

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### Case Information

Tribunal Case Number: \_OLT-22-003917\_\_\_\_\_

Date of Case Management Conference/Hearing (yyyy/mm/dd): 2022/12/01\_\_\_\_\_

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### Contact Information

Last Name: Olivera-Perez\_\_\_\_\_

First Name: Luis (aka Louis Olivera)\_\_\_\_\_

Organization Name: Aileen-Willowbrook Residents Association (AWRA), 1st VicePresident\_\_\_\_\_

Telephone Number: (416) 877-3544\_\_\_\_\_

Email Address: vp1.awra.thornhill@gmail.com\_\_\_\_\_

**NOTE:** I present the Participant Statement below both as a resident of the area, directly impacted by the Appellant's redevelopment proposal, and as a representative of AWRA.

As stated during the Dec. 1st, 2022 CMC, the Tribunal is allowing me the opportunity to submit a fresh Participant Statement within two-weeks, limited to three pages. Also the Tribunal may elect, during the next CMC (scheduled March 27th, 2023) to substitute me with the newly incorporated AWRA.



**Representatives Contact Information (if applicable)**

Last Name: Olivera-Perez

First Name: Luis (aka Louis Olivera)

Organization Name: Aileen-Willowbrook Residents Association (AWRA)

Telephone Number: (416) 877-3544

Email Address: vp1.awra.thornhill@gmail.com

I certify that I have written authorization to act as a representative and I understand that I may be asked to produce this authorization at any time

Last Name: Alena

First Name: Gotz

Organization Name: Aileen-Willowbrook Residents Association (AWRA)

Telephone Number: (647) 390-1843

Email Address: awra.thornhill@gmail.com

I certify that I have written authorization to act as a representative and I understand that I may be asked to produce this authorization at any time

**Status Request Details and Participant Statement**

A person who wishes to participate in a proceeding as a participant (and not a party) may only make a submission to the Tribunal in writing in accordance with [section 17 of the Ontario Land Tribunal Act](#) and Rule 77 of the OLT’s [Rules of Practice and Procedure](#)

In the space below, describe your interest in the case, your position on the issues and an explanation of your reasons in support of your position. You may also provide documentation or attachments to support your request. The information you provide will be your participant statement

**Notes:**

1. Please refer to Rule 77 of the OLT’s [Rules of Practice and Procedure](#) and [section 17 of the Ontario Land Tribunal Act](#) regarding the requirements for preparing a participant statement.
2. The OLT issues all correspondence to parties and participants electronically.
3. Personal information or documentation requested on this form is collected under the authority of the [Ontario Land Tribunal Act](#) and the legislation under which the proceeding is commenced.

All information collected is included in the OLT case file and the public record in this proceeding. In accordance with the [Freedom of Information and Protection of Privacy Act](#) and [section 9 of the Statutory Powers Procedure Act](#), all information collected is available to the public subject to limited exceptions.



## Participant Statement

### 1. Interest in the Case and Residents' Concerns

My family and I have lived in the area for over 17 years. My household makes use, many times per week, of the services offered by the current Thornhill Square Shopping Centre, located in the subject lands. I am also a member and 1st Vice President of AWRA, whom I will represent in this case if they are recognized by the OLT as a Participant.

Aileen-Willowbrook Residents Association (AWRA) is a ratepayers association registered since 2005 with the City of Markham. AWRA advocates for the overall livability and improvement of our neighbourhood as a complete community.

AWRA's boundaries include the following:

- Thornhill Centre, the focal point of our community, where the subject lands (known as Thornhill Square) and the adjacent Thornhill Community Centre are located:  
Thornhill Square's main six-storey building includes a grocery store, a bank branch, other retail and professional services, as well as other amenities; a drugstore and a restaurant are located in separate one-storey buildings.
- an adjacent employment area (east of CN railway tracks);
- approximately 3,420 households, whose residents regularly use the existing mall.

Ontario's "The Growth Plan" promotes the development of "complete communities" where people can live, work, shop and access services in close proximity. "The Growth Plan" requires municipalities to plan for a mix of housing types, land uses, employment opportunities and an urban form that supports walking, cycling, and transit.

AWRA and I advocate for a revitalization of the area by transitioning our mature suburban neighbourhood into a "complete community" in which nearby amenities and services needed for daily living are sufficiently available and accessible to current and future residents.

This case is of the utmost importance to us. As **Thornhill Centre is the "heart" of our community**, residents need the subject lands to be redeveloped as part of a thriving "Thornhill Town Centre" that provides much needed amenities and services in close proximity to our growing community, so residents can avoid having to leave the area and drive onto congested roads.

In its current form, the Appellant's proposal translates into many more residential units, people, and cars but much fewer services and amenities for the surrounding community, and shows no consideration for the needs of the community, which will effectively see a significant degradation of the area's livability.

The Appellant's proposal includes a substantial reduction of already limited basic services neighbours rely on to fulfil their daily needs, including grocery shopping and other retail, and professional services currently being offered on the subject lands.

The reduction in services will be exacerbated by the high increase in area population involved in the Appellant's proposal, as well as by other development currently under construction in the area.



Based on publicly available data, our calculations (listed below) show a significant reduction and degradation in service levels that threatens the future livability in our community:

- **10% increase in population, and 18% increase in households' pressure on services**
- **17% overall reduction in services and amenities for a growing community;**
  - 20% reduction in existing grocery store space which will limit the variety and quantity of items offered
  - 9% reduction in existing drugstore space
  - 18% reduction in existing office space where many professional services are provided
  - 17% reduction in other existing retail space
  - 22% reduction in patron parking making less convenient the access to the subject lands' services
  - over 1,200 additional residents competing for reduced service offerings
  - at least 10% increased pressure on existing community services
- **increase in traffic due to addition of 740 cars to local road infrastructure; peak hours traffic is already beyond acceptable limits** at Bayview Ave. and its intersections.
- **lack of consistency between proposed built form and existing urban characteristics** of the area, causing disruption to the sense of place and inconsistencies with the established street treatment by eliminating existing green space setbacks at the subject lands on Green Lane.

Regardless of the calculation base and/or minor variances in percentages, the net result of the current redevelopment proposal, as admitted by the Appellant's representatives during the Statutory Public Meeting on March 22, 2022, is a substantial reduction to current service levels.

AWRA and I are also concerned about several inconsistencies between the submitted transportation impact studies and publicly known facts related to the traffic and transit in the area, including:

- *Traffic will grow by no more than 0.5% per year.* BUT: Imminent development, including nearby Bridge and High-Tech Transit Oriented Communities with up to 80,000 new residents, will increase traffic along Bayview Ave. well beyond the regional road's capacity. The density will be 175,000 residents/km<sup>2</sup> and will be built between Bayview Ave. and Yonge St, just south of Hwy 7, i.e. just 2.3 km away from the subject lands.
- *VIVA Bus Rapid Transit (BRT) currently travels through our neighbourhood.* BUT: There is no current or planned Bus Rapid Transit in our neighbourhood. Nearest Hwy7 BRT is 2.3 km away.
- *The subway will be within walking distance.* BUT: Walking Distance is defined as 500-800m radius. The closest Subway station will be 3.2 km away.
- *A Potential Go Station on John Street will provide another "transit mode choice."* BUT: While the potential for a GO Station has been mentioned in official documents for decades, Metrolinx keeps rejecting all actual proposals because they are not viable for this busy freight line owned by CN.
- *Current and Projected Traffic Congestion Levels in the area are acceptable.* BUT: Government traffic studies on Bayview Ave. completed just 2 years before Covid showed congestion levels exceeding acceptable limits.

As per Section 18 of the OLT Act, upon request by the Tribunal, we are able to produce supporting evidence for all of the statements above.



## 2. Participant Position

The Appellant has the right to request a decision from the City of Markham in the time frame specified in the Planning Act. However, the absence of the City of Markham's decision is an insufficient reason to approve the Appellant's redevelopment proposal, the related Official Plan Amendment (OPA), and the Zoning Bylaw Amendment (ZBA) in their current form.

Almost 2,000 residents have spoken out against this and other "piecemeal" proposals in the area, and continue to do so. At the March 22, 2022 Statutory Public Meeting (SPM), area residents presented more than 170 oral and written deputations about the Appellant's application. A petition organized by AWRA and presented to the City of Markham contained over 1,700 signatures and expressed concerns about, and opposition to, inappropriate "piecemeal" redevelopment of the area, including on the subject lands.

The Appellant has long been aware of residents' requests that they update their redevelopment proposal with the participation at the table of all key stakeholders, including the City of Markham, the Appellant, and area resident representatives.

### **AWRA and I will fully support a mixed-use redevelopment proposal that fulfils the following:**

- respects the land use objective of Thornhill Centre as set out in the Markham Official Plan, section 9.18.11.1, and in the 1987 Thornhill Secondary Plan;
- contributes to the building of a "complete community" in our area;
- ensures a level of services commensurate with projected population growth, and in keeping with the subject lands' role as the predominant provider of commercial, retail, and professional services for the area;
- is integrated with a comprehensive urban approach to the area;
- achieves a balance between land use for residential and non-residential uses that is profitable for the landowner and adequately addresses the needs of the community;
- makes a positive impact on the quality of life of current and future residents;
- is based on valid assumptions about transportation conditions and accurate traffic data;
- includes specific traffic mitigation strategies to cope with expected population growth and increased traffic;
- ensures the proposed built form is consistent with the existing urban characteristics of the area.

## 3. In Conclusion

AWRA and I strongly support a redevelopment of the subject lands that is planned as an integral part of a thriving Thornhill Town Centre which helps achieve the goals of a "complete community".

We propose that the Appellant work with representatives of the City of Markham and established residents groups to create a redevelopment proposal that achieves mutual benefits through a thorough understanding of the existing and growing needs of the area.