

**Statement from 40 Old Mill Road for delegation May 2 re: 70 Old Mill Road
2317511 Ontario Inc. OPA1614.77, Z1614.77, Ward 3**

In the past, some statements have been made, and published in documents distributed to the Town, by representatives of 50 and 60 Old Mill Rd indicating that the three buildings support this application. In actual fact, the developer made a verbal request that required them to say that and, in return, he said he would remove easements he has over our property and comply with some of their requests that apply only after the building is occupied. At 40 Old Mill we believe we should only make public statements, as a Board, after consultation with the owners, and statements that are true. We strongly encouraged 50 and 60 Old Mill to gather data regarding their owners' support or opposition to this new building. We recently polled our owners in 40 Old Mill, and this was the result:

76.09% opposed
23.91% supported

Among those who added comments, those in opposition tended to cite density, traffic and placement of the garage.

Among those who supported, the comments tended to be more like "Well something has to go there"; "I don't think we have a choice"; or they voted in support but then said "but only if" and provided a list of desired changes.

The statements of support that have been made in the past were not fact-based and do not reflect the view of homeowners on Old Mill Road. They were made only to comply with a request by the developer.

That request from the developer for support of his project was made in the context of an exchange for him removing easements and making other promises about his development. The agreement has never been completed and signed and the easements have not been removed from title.

The Board at 40 Old Mill has been receiving angry e-mails from the developer recently since we are not expressing our support. He complains about the amount of money he has invested so far and pressure from his lender, which is not our problem.

Therefore we feel a deferral of this decision is in the best interests of all parties.

From: Ron Roseland-Barnes
Sent: May 2, 2022 10:52 AM
To: Town Clerks <TownClerk@oakville.ca>
Subject: Lot 70 Meeting on May 2, 2022

I am the past president of the board of Directors on HSCC 482, which is 40 Old Mill Rd. Oakville I was the president for over 6.5 years. The previous board was in 100 % support of the completion of the lot 70 residential building plan and wanted to see this project completed.

I am disturbed that the current boards president is speaking out against this project and feel that the owners of building 40 are either indifferent or are in favour of this project. Very few owners I have spoke to are against the building of this residential building. The current board did conduct a owner survey which resulted in a very poor response. The boards of the other 2 buildings I feel are in support of this project.

Ronald Roseland-Barnes
Past President
HSCC 482
40 Old Mill Rd.
Oakville, Ontario

Good evening Mayor, Councillors and Town Staff,

My name is Jette James and I am the Director of Development for the Trafalgar Chartwell Residents' Association. I am delegating tonight to oppose the proposed by-law changes for the site located at 70 Old Mill.

- The subject property is the last of the four building sites on Old Mill Road to develop. The entire property is 1.893 hectares. 70 Old Mill Road has a lot area of approximately 0.158 hectares or 0.39 acres or 17,000 square feet, which is 8.3% of the total land. This site is more suited to a single detached home than a condominium with 154 units.
- It has the smallest footprint of all the buildings. Approval of the by-law, allowing 154 units, will mean that the density of this site is actually 974.7 units per square hectare!! This exceeds everything that is contained in the livable Oakville Plan. It is disingenuous to average the density across all four sites, giving a density of 243.5 units per square hectare. This is setting a very dangerous precedent for the entire Midtown development.
- This is an established residential neighbourhood. The massive scale of this proposed development will cause extensive disruption to this community for several years at least.
- Parking for current residents and visitors of the 3 established buildings was approved at 1.75 spaces per unit, giving over 500 parking spaces. At least 50% of available spaces are used on a daily basis for contractors providing necessary services for large buildings, such as pool, fire system and elevator maintenance, plus residents moving in and out, renovations and repairs. This does not include parcel and food deliveries. 166 car spaces, including visitor spaces, for 154 units is less than 1.1 spaces per unit. It will be completely insufficient, regardless of how many bicycle spaces are provided.
- The current development proposal has 70% single bedroom units, or 108 units, and 30% two bedroom units, or 46 units. It is reasonable to expect that many of the single bedroom units will be rented out by owners. This will lead to frequent movings in and out by residents, significantly increasing parking and traffic issues.
- Old Mill Road is already a dangerous place for residents in the Old Mill condominiums. It is used as an unofficial "kiss and ride" drop off for go-train commuters, as well as an exit from the

metrolinx carpark. Adding another 154 vehicles, plus all the delivery, removal and maintenance vehicles, is a recipe for disaster. Cornwall Road is a very busy road, even during the pandemic. Adding all the extra trips per day will increase travel times and levels of frustration for all users of Cornwall Road.

- Previously 29 units were approved to be built on this site. Municipal services, such as wastewater disposal, have been designed on this basis. 125 additional units will add significant stress to these services.

In conclusion, TCRA would love to see this site developed! However, the proposed increase in density of this site does not fit within the Livable Oakville Plan. It will increase traffic problems and put additional strain on Municipal services.

From: Penny Headrick

Sent: May 2, 2022 7:38 PM

To: Town Clerks <TownClerk@oakville.ca>

Cc: Janet Haslett-Theall <janet.haslett-theall@oakville.ca>; David Gittings <david.gittings@oakville.ca>; Elizabeth Chalmers

Subject: Question re Report 2317511 (70 Old Mill Road)

Hello,

I wondered if you could please clarify some comments on density in the 70 Old Mill Report. I tried to call in to the meeting tonight but the person who answered said I was not allowed to ask questions on this agenda item.

The report notes that there were concerns raised by the public about site density in the Feb 2022 public meeting, and the desire to remove the density cap of 185 units per site hectare. On page 25, the report says:

Provide clarity on the density calculation over the entirety of the site:

- *The High Density Residential land use designation has a density capacity of 185 units per site hectare.*
- *The entire property consisting of 40, 50, 60 and 70 Old Mill Road is 1.893 hectares in size with a total number of 307 residential units.*
- *With the addition of 154 residential units at 70 Old Mill Road, the updated total of residential units across the site is 461 giving a density of 264 units per site hectare.*

I wonder if you have perhaps made an error in the second bullet above, and you do not mean to include 70 Old Mill in that point? And further, in the presentation tonight you said there will be 462 units total, which I assume is 264 units per site hectare across the whole site....is this in keeping with the density goal of the Trafalgar Road corridor (up to 300 units per site hectare), or is there another reason for densification increase proposed by by-law 2022-046?

thank you

Penny Headrick

Date: April 26, 2022

Dear Mayor Burton and Councillors,

I am writing, once again, to reassure you that the board of building 50 Old Mill Road does not object or oppose the revised application for lot 70. We are in full support of the application and eager to see the development come to fruition.

The shared facilities committee of 40, 50 and 60 Old Mill had a meeting on March 17 2022 and a vote was taken and passed that the **“Oakridge Heights Shared Facilities continues to support in principle the Lot 70 development application.”**

Since January of last year (2021) a working group has had many meetings with the developer to come to an agreement for the best outcome for all parties. This was initiated by the former president of building 40. The past two boards of 40 have also participated with the developer with positive and supporting results. The Shared Facilities committee in November of 2021 delivered to every resident in the complex an extensive notice outlining the terms and benefits of working together with the developer. Attached.

A follow up letter was also delivered by 50 and 60 to all the residents of their buildings outlining the reasons to support the development next to our complex. Attached. Unfortunately building 40 did not send this letter out to their residents. Building 40 held an AGM on March 9, 2022 resulting in another new board. The current president is also on the board of the T.C.R.A. and is opposed to the project. There was a very skewed poll done in building 40 that was phrased to get a vote to oppose the development. This was done by email to owners of building 40. The poll:

Seeking Your Opinion on Lot 70

We want to gauge our owners' opinions about the proposed building on Lot 70. Your response is important and would be greatly appreciated.

An application has been made to the Town of Oakville to build an all-residential condominium building that is 12 stories high, consisting of 154 small units, with 6 levels of underground parking, housing 166 cars. The garage enter/exit will be situated within our shared property, therefore the additional cars will share our driveway.

The builder requires a by-law change and zoning amendment to increase the density accordingly. A decision on these changes by the Town of Oakville is pending. Further public input will still be received before a final decision is made.

Do you support or oppose this project on Lot 70?

To log your answer, please reply to this e-mail can change the subject line to either "Oppose" or "Support"

Thank you. Board of Directors

What a ridiculous poll! This is not even outlining the facts about the developer's right to use his easements and visitor parking spaces which all residents have been using along the north wall on a first come first serve basis. Furthermore according to the president of 40 the results were:

Response: **46.60%**

Oppose: **76.09%**

Support: **23.91%**

Which means 54% did not respond!

**Who conducted the poll and who counted the votes and is this a certified result?
Pointless either way as the question was designed for a "no" outcome.**

Building 40 is the furthest away from the development and has no easements that the developer requires from them. The developer does have the right to stop building 40's visitors, contractor, residents etc. from parking along the 30 visitors parking spots along the north wall of the complex. It is quite shameful that the residents of 40 are being held in the dark by the board to make an informed decision. It is the responsibility of the board to make decisions in the best interests of their building and the shared facilities complex. This is a one person/board misleading opinion to derail what is best for the property. Many owners in building 40 have not been properly informed and if they were the result would be much different.

As for the T.C.R.A., J.C.R.A. and C.M.G.R.A. none of these groups reached out to our board or owners regarding the direct impact this will have on us. None of these groups gave a thought of the consequences of the developer's rights to our entire property that effect our community. Attached are the notices sent out to our owners that were negotiated in good faith by our complex and the developer which we stand to gain many easements for our owner's from the developer. None of these groups will be impacted by the development. They all puff about livable Oakville, large sidewalks, benches, streetscapes, greenspaces etc.. All are pointless arguments as this is a transit hub not a destination for parks and walking and need for large sidewalks. This development is the best example of livable Oakville. It is 2-minute walk from the Go train. Walking distance to sixteen mile paths, grocery stores, drug stores, restaurants, LCBO etc.. What a great example for the environment. The amount of land that would require to build 154 housing units would be massive and require many vehicles to commute to and from work. It is disappointing that our neighbours only care of their interests and not the community directly impacted. They should take some time to read and ask how it would impact us instead of coming up with every excuse not to develop and progress for the future as there is a great need for housing.

The Town has many advantages in approving this development as it adds to the tax base to improve services. It also adds to the local business which benefits employment, tax revenues and services.

The owners of building 50 are very much in favour of the development as it has been over 20 years looking at an unappealing piece of land upon entrance to our complex. Many real-estate

agents have expressed that the value of the suites will increase if a building was built at the corner.

We have had our legal counsel working with the developer's lawyer draft all the easements to be released by the developer. The developer had agreed to the documents and our building together with building 60 have agreed to sign the documents.

It has been a pleasure to deal with the developer as he was very accommodating and flexible to our Shared Facilities Working Group.

I would like to thank the Mayor, Councillors and Planners for the excellent work that has been done over the past term!

I am asking for everyone's approval for this development!!!

Thank You,
Kerry Bigas
President HCC 381
Oakridge Heights
289-242-1818

With unanimous support from the board of directors:

Marcel Brunschwiler, Treasurer
Martin Orsini, Director
Paddy Tinson, Secretary

Communication to owners of Oakridge Heights regarding- Lot 70

November 9, 2021

Dear Owners,

The Shared Facilities 'lot 70 working group' (consisting of a member of the Board from each Corporation) has been working for the past 10 months closely and with good collaboration from the developer as he prepared the filing of an Official Plan amendment and the required Re-Zoning amendment. The individual Condominium Boards at Oakridge Heights are supportive of the filing in principle. HCC 397 has requested that the detailed site plan application be subject to a review by their development lawyer, to ensure that the details provided to the working group /Boards are as stated.

The intent of this communication is to provide owners of Oakridge Heights specifics on the discussions to date, and more importantly, the benefits achieved. A primary factor in our deliberations/negotiations was recognizing that the Provincial government has mandated densification of living and working spaces within 800 metres of a transportation hub. Oakville Mid-Town area and the GO transportation hub vicinity have a direct impact on our community. Regional and Town policies will align with this provincial mandate. Density and traffic will be our reality over the next 3-20 years.

With these external factors a reality, this communication highlights the developer's rights and the outcome of our deliberations and agreed upon terms which benefit owners. The Town is required to hold a virtual public meeting prior to the approval of the amendments. We encourage you to attend once notice is filed by the Town.

Oakridge Heights
Shared Facilities Working Group

Developer's Rights Today

The current Official Plan designates Lot 70 as High Density Residential. Based on the overall density of Oakridge Heights 44 residential units can be built. In addition, the Official Plan would allow 35,000 Sq. Ft. of commercial/office /service space which could result in 60 additional units (600 sq. ft.) for this purpose.

Much more in and out traffic would be the result of a commercial/office/service project.

Agreed Upon Terms Benefitting Owners

An all- residential project is our preferred model.

An all-residential project eliminates the public access issues (safety/security) that could be created with a commercial/office /service project.

Owners in the Lot 70 will take much more interest in maintaining an up-market community.

Market values in the entire community could increase based on current market conditions.

The developer is proposing 154 residential units, up from 104 mixed use currently allowed.

The previously approved 29 large unit project is no longer viable.



Easements

Developer rights

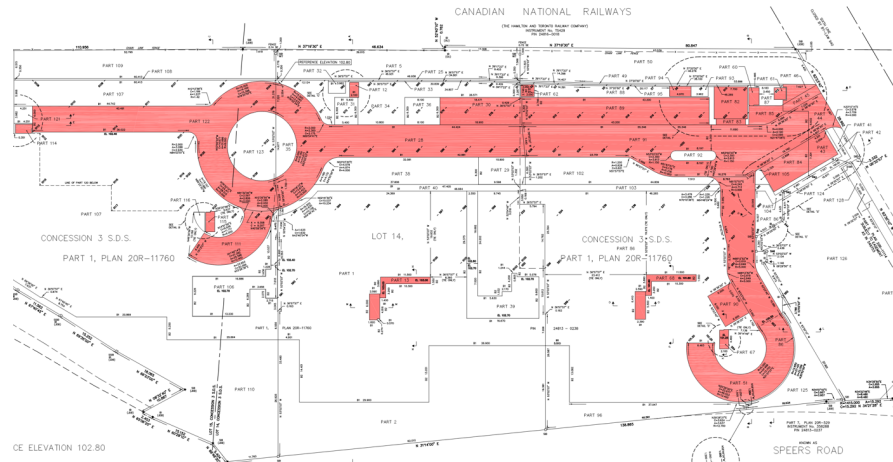
Phase 4 Lands (Lot 70) generally has easement rights, granted by the original developer United Lands, in its favour over and through the entire Oakridge Heights property as identified in each of our Declarations.

Schedule A of our Declarations identify 81 easements we have over each other's properties. 51 of those easements reference the Phase 4 lands (Lot 70).

The specific easements include:

- Ingress/egress from Old Mill Rd. to the south-westerly boundary of HSCC 482 including the parkette
- Ingress/egress on the underground garage ramps and underground garage drive aisles on GLA and GLB, both east and west ramps
- Visitor parking spaces (see the visuals attached)
- Access to and the ability to dispose of garbage in the waste holding unit

Legal opinion to confirm was obtained October 20, 2021.



Agreed Upon Terms Benefitting Owners

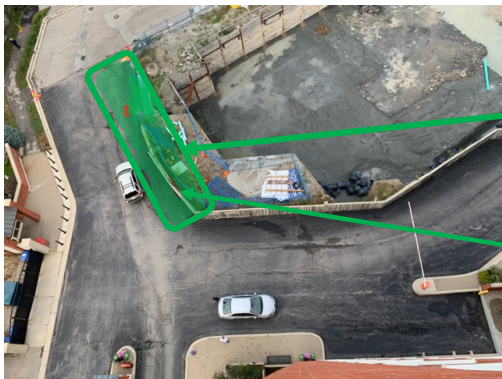
1. The developer has agreed to transfer and release all the easements that the Phase 4 (Lot 70) lands now has a right to access on the entrance and exit ramps, the three parking spaces (Part 90) on the entrance ramp, and easement rights on the underground drive aisles on both GLA and GLB for our support.
2. The width of the driveway will remain unchanged.
3. The developer has committed to building the entrance and exit to the new project under his own project off the common driveway upon entering from Old Mill Rd.
4. The developer is working to establish a garbage waste holding area within his own building.
5. The developer has agreed to be responsible for paying all costs associated with the transfer, release and abandonment of easement notice for those easements identified and the necessary changes to our respective Declarations.



1. The developer has agreed to transfer and release all the easements that the Phase 4 (Lot 70) lands now has a right to access on the entrance and exit ramps, the three parking spaces (Part 90) on the entrance ramp, and easement rights on the underground drive aisles on both GLA and GLB for our support.



2. The developer has agreed to be responsible for paying all costs associated with the transfer, release and abandonment of easement notice for those easements identified and the necessary changes to our respective Declarations.



3. The width of the driveway will remain unchanged.

Within this area there are easements for 5 visitor parking spaces and a pedestrian walkway.

Construction

Developer's rights

With the current existing rights to the noted easements, the developer could use his access to the easements for the purpose of construction.

Agreed upon terms benefiting owners

The developer agrees to pay for the development/amendment of a detailed construction agreement that will result in all construction taking place from Cornwall/Old Mill Rd.

No construction vehicles or construction materials will be allowed on our shared driveway or visitor parking spaces.

The construction agreement will identify hours of construction with no exceptions (as per Town by-laws), dust and noise mitigation, window cleaning, etc.



No construction vehicles or construction materials will be allowed on our shared driveway or visitor parking spaces.

Declaration Matters

Developer's rights

The developer has the responsibility of enacting the specifics of the Declaration, by-laws, and rules for this project.

Agreed Upon terms benefiting owners

We have been able to influence the components of this binding document (the Declaration) by getting agreement from the developer to draw up a restrictive covenant which will, in keeping with our own Declarations, include matters such as:

- No cooking on the balconies
- No short- term rentals
- No storage on balconies

The developer will bear the cost of drawing up this restrictive covenant, which will be reviewed by our legal team.

The existing Corporations will then have a means of enforcement in the future once the new development is registered/first occupied.

Cost Sharing

Developer

Currently, the developer is not contributing to expenses relating to Shared Facilities. The cost sharing begins once the project is registered and or first occupied as stated in our Shared Facilities Agreement.

The 3 Corporations split the costs by the following percentages

HSCC 482- 36.82%

HCC 381 -33.21%

HCC 397- 29.97%

Agreed Upon Terms

The developer has agreed to a cost sharing structure for all identified areas in the Shared operating Shared operating, such as, visitor parking, landscaping, snow removal, shared management. The reserve budget costs are based on the areas for which Lot 70 will participate in. The methodology and reserve budget costs based on the areas for which Lot 70 will participate in. The methodology used to determine percentage contribution was # of units in Lot 70 / total number of units in Oakridge Heights.

To this end our percentage contributions will be reduced:

HSCC 482- from 36.82% to 24.50%

HCC 381- from 33.21% to 22.30%

HCC397- from 29.97% to 19.90%

Lot 70 Condos -33.30% upon registration/first occupancy.

A legal binding agreement will be drawn up, reviewed by our legal team with costs borne by the developer.

Legal Expenses

Developer rights

There are legal documents and agreements required relating to agreed upon terms throughout our discussions.

Agreed upon terms benefiting owners

To date the developer has paid for all the associated costs in pursuing the necessary changes to support his amendments and applications.

The developer has agreed, based on our support of the project to draw up the necessary agreements and documents and to continue to bear all the necessary costs for the changes required or agreed to. These agreements and changes will be reviewed by our legal teams once completed.

Other matters to be resolved

HCC 397 agreements with Rogers and Freedom Mobile----- awaiting RF study and engineering report.

Reasons Why “Support in Principle” of Lot 70 is Critical to 40/50/60

Further to the communication sent in November 2021 to all owners of Oakridge Heights, the “working group” of Shared Facilities believes it important that owners realize the adverse affects on 40/50/60 **if there is a change in the providing of support in principle** after 13 months of work.

- **Easements**

The developer **has easements all over our property** including the entrance and exist ramps and our garage drive lanes.

This means that his contractors/trades and then owners/tenants can access every part of our Shared Facilities property. He does not need our agreement for this. He already has it legally.

In exchange for our support of his project, he is prepared to give up the easements most importance to us.

- **Safety and Security**

Should the developer choose to use the easements he already has, residents, commercial tenants, or visitors of 70 have a right to enter our garage.

We would either have to give them fobs or take down our gate and garage doors. Either option presents 40/50/60 with security problems as this allows strangers inside our garage. These people are not responsible or accountable to us unless agreement is reached with the developer.

- **All Residential**

An all-residential building is very important to us. Commercial units would result in many more visitors than an all-residential building. If, for example, 5 doctors or dentists were to set up offices and each have both their staff and clients arriving five or six days a week, the traffic would be much worse than that of an all-residential building. 35,000 Sq Ft is possible with current Town policy.

- **Costs**

The developer has agreed to pay (and to date has done so) for all legal expenses in relation to 40/50/60 and Shared requirements of changing our Declarations, a new Shared Facilities Agreement, and a Construction Agreement. If support is not given for the proposed project, we will be responsible for all costs incurred from that time forward.

Should opposition to the proposed project proceed, the developer has the option of pulling the OLT (Ontario Land Tribunal) trigger. A case with the OLT could cost owners a minimum of \$200,000. The dissenting party(ies) would bear the cost.

Facts Beyond our Control:

Densification

- The Provincial, Regional and Municipal governments all agree that high density is to be built within eight hundred meters of mass transit. Our neighbourhood is most certainly included. We can expect and can do nothing about much higher buildings and the resulting increase in traffic in the years to come.

Developer's Rights

- The current developer and/or any future owner of 70 has legal rights over our property.