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File No. 30342

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The Corporation of the City of London

City Hall
300 Dufferin Avenue
London, ON N6A 4L9

Attention: **Councillor Polhill and
Planning & Environment Committee**

Re: **Ayerswood Development Corp.**
Site Plan Approval - 940 Springbank Drive, London

On March 12, 2010 the Ontario Municipal Board issued its Order zoning the property municipally known as 940 Springbank Drive as R9-7, permitting a twelve (12) storey apartment building with a maximum of 165 dwelling units. No limitation or restriction on the size of the building or its location within the zoned area was placed on the property other than the City's residential R9-7 zone regulations.

On April 18, 2011 the owner of the property, Ayerswood Development Corp., filed an Application for Site Plan Approval.

On April 29, 2011 the City accepted the Site Plan Approval Application as complete.

On September 19, 2011 City Council passed a By-law which revoked delegated authority for site plan approval to a civic employee, Council, also on September 19, 2011, approved the Ayerswood site plan for a 165 unit apartment building with twelve (12) floors of residential and two (2) levels of underground parking subject to six (6) conditions.

By October 2011 municipal staff had confirmed that Ayerswood Development Corp. had satisfactorily provided material to satisfy the following five (5) conditions:

- facilities to provide access to and from the land;
- a servicing plan;
- a grading plan;

- a landscape plan;
- drawings and an urban design brief showing matters related to exterior design for consideration by the municipality's Urban Design Review Panel.

Further, by October 2011, Golder Associates had provided hydrogeologic studies with respect to development of the site for the apartment building. Municipal staff, apparently without authorization from Council, retained a firm by the name of Terraprobe to conduct a peer review of Golder Associates' work.

In a meeting held December 7, 2011 with City staff the City engineer acknowledged that Terraprobe had conducted a peer review without the City providing Terraprobe sufficient information.

Nevertheless, on December 21, 2011 Golder Associates completed a full response to Terraprobe's review and it was provided to the City on January 4, 2012.

In early January 2012, as well as in February and March, 2012, City staff has, by e-mails, by letters and by telephone conversations, been repeatedly requested by Ayerswood to (a) provide Development Agreement clauses and (b) report back to the Planning and Environment Committee and to Council, as directed by Council's resolution of September 19, 2011.

A continuing problem in the delay of this matter is staff's insistence that Building Code matters, unrelated to site plan matters, be dealt with. For example, it is Ayerswood's understanding that the site plan drawings and Development Agreement have not been presented to Committee and Council because staff required an amended drawing of how a water line in Springbank Drive would be supported while the apartment building's sanitary sewer line was installed underneath the supported water main, a very common occurrence within the City of London, but certainly not something to withhold or delay a report to Committee and Council. Indeed, section 3 of Schedule 1 of the City's Site Plan Control Area By-law, "External Facilities and Works Provided in Conjunction with the Site" specifically provides that where works external to the site are to be provided in conjunction with the development the plans are to be prepared by a consulting engineer and submitted to the City for approval "prior to construction of said works and facilities". Instead, in this matter Ayerswood has been told that notwithstanding the By-law final detailed engineering drawings are required before the site plan drawings and Development Agreement would be presented to the Committee and Council.

Ayerswood Development Corp. is entitled to be treated fairly and equitably in accordance with the law. A Freedom of Information request has been submitted and is being fully processed because there has been no transparency in the process and no explanation provided as to why demands have been made for material outside of the scope of Site Plan By-law. There have been other inconsistencies in the processing of this matter for which no explanation has been provided including but not exclusive to aforementioned peer review. Indeed, no explanation has been provided as to why a peer reviewer recommended measures that on both a site specific basis and on a precedent setting basis were unnecessary.

All Applicants need to have, indeed deserve to have, on a timely basis, Applications dealt with on a fair and consistent basis. A delay of more than six (6) months from September 19, 2011 to March 26, 2012 cannot be said to have met this test.

Patton Cormier & Associates
Page 3

Ayerswood Development Corp. therefore requests that this Committee and thereafter Council direct that the Acting Executive Director, Planning, Environmental and Engineering Services, return to the Planning and Environment Committee on Monday, April 16, 2012 with the approved plans and development agreement as directed by Council's Resolution of September 19, 2011.

Yours truly
PATTON CORMIER & ASSOCIATES
per:



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c.c. Ayerswood Development Corp.
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