

September 8, 2021

By E-Mail Only to *cofa@vaughan.ca*

Pravina Attwala
Assistant Secretary Treasurer
Office of the City Clerk
Committee of Adjustment
2141 Major Mackenzie Drive
Vaughan, ON L6A 1T1

Dear Ms. Attwala:

**Re: Committee of Adjustment File No. A100/21 – 32 Elmway Court
Letter of Opposition
Mr. Elliot Steiner and Elm Thornhill Woods (2013) Inc.**

We are counsel to Mr. Elliot Steiner and Elm Thornhill Woods (2013) Inc. (“**Elm**”). Elm is the developer of Elmway Court. Mr. Steiner is a principal of Elm, and is also the co-owner of 38 Elmway Court.

This letter should be read in conjunction with our previous correspondence to the Committee dated August 11, 2021, which we submitted in advance of the August 12, 2021 hearing. Our clients had expressed significant concerns with the applicant’s proposal, which seeks to permit the construction of a proposed swimming pool and cabana (the “**Application**”) in the backyard of 32 Elmway Court (the “**Subject Lands**”).

Mr. Steiner’s property is located directly to the south of the Subject Lands, and as they share a mutual property line, Mr. Steiner will be directly impacted by the Application.

In our August 11th letter, we set out our clients’ two primary areas of concern relating to the Application:

1. The proposed setback of the cabana from Mr. Steiner’s property line; and
2. Grading and drainage issues resulting from the approval of the Application.

In light of the concerns raised by Mr. Steiner, Elm, and other neighbours, the Committee suggested that the Application be deferred, and that all interested parties attempt to resolve the outstanding issues. The applicant accepted the Committee’s suggestion and agreed to the deferral, even enthusiastically. The applicant also met with Mr. Steiner

(along with other neighbours) to discuss the Application. With this in mind, it is all the more unfortunate that the applicant has not communicated to our clients any concrete solutions to address their well-founded concerns.

Therefore, the points raised in our August 11th letter continue to apply in their totality.

Continued Drainage and Grading Concerns

Since the previous Committee hearing on August 12th, Elm and Mr. Steiner personally (at their own expense) have retained Schaeffers Consulting Engineers to examine the Application. They provided the following conclusions:

- The information provided in the Application was insufficient to determine whether there would be any adverse impacts on Mr. Steiner's lot at 38 Elmway Court, and additional materials were needed to answer this question. This letter dated August 28, 2021 – which was also provided to the applicant – is attached to this submission; and
- As the City of Vaughan has not yet assumed the subdivision on Elmway Court, Elm is responsible for any grading complaints received. Further, any complaints will prevent the City from assuming the subdivision from Elm. This letter dated September 7, 2021 is attached to this submission.

Therefore, it is incredibly important that the materials requested by Schaeffers be provided so that they can be examined by professional engineers hired by our clients. The City has requested that these documents be produced as a condition of approval. However, our clients will have no opportunity to review or provide input at that time. It was imperative that the applicant provide these documents in advance of this hearing, but he has refused to do so. Our clients even offered to provide the names of several engineering firms that the applicant could retain to produce the drawings – that again, would need to be provided anyway before construction could begin – but the applicant did not take any steps to look into this matter further.

Indeed, our clients' concerns go to the *root* of the Application and the variances requested. Should the variances be granted, they will facilitate the construction of a pool and cabana that could significantly alter the grade and drainage patterns of Mr. Steiner's property and could prevent the City from assuming the Elmway Court subdivision from Elm.

Conclusion

Mr. Steiner is disappointed that the applicant was not willing to take advantage of the deferral offered by the Committee by failing to:

- Make one single revision to the Application;
- Revise the location and impact of the cabana; and
- At the very least, acknowledge and attempt to address the concerns with grading and drainage.

It is our submission that the applicant's attitude towards his neighbours should not be favourably viewed by the Committee. Our clients spent their own time and money retaining a professional engineering firm to help provide guidance to ensure that Mr. Steiner and Elm's concerns relating to drainage and grading could be addressed. The applicant, however, has shown that he continues to have no interest in working with his neighbours and squandered the deferral granted by the Committee.

Therefore, it is our submission that the Application continues to fail the four-part test under ss. 45(1) of the *Planning Act* and that the Application should be refused.

Please find attached to this letter a new Public Deputation From requesting that our associate Jamie Cole speak further to our clients' continued opposition to the application at the hearing. Mr. Cole will be relying on the attachments to this letter, as well as the August 11, 2021 letter during his presentation.

Do not hesitate to contact me should you have any questions or require any further information.

Yours truly,
DAVIES HOWE LLP



Aaron I. Platt

AP:JC
encl.: As above

copy: Client



SCHAEFFERS
CONSULTING ENGINEERS

August 28, 2021

Our File: 4068

6 Ronrose Drive, Concord, Ontario L4K 4R3

Tel: (905) 738-6100

Fax: (905) 738-6875

Tor. Line: (416) 213-5590

Email: general@schaeffers.com

Mr. Elliot Steiner
38 Elmway Court
Thornhill On
L4J 8V6

Dear Sir:

**RE: 32 Elmway Homeowners Proposal
Block 10, Elm Thornhill Woods (2013) Inc.
City File 19T-14V003, Plan 65M-4481
City of Vaughan**

Please be advised that we have reviewed the package provided regarding the proposed pool, cabana and associated landscaping works for your neighbour's house and would like to make the following comments:

Based on the information provided, there are not enough details to determine if there will be future problems on your lot. A complete detailed site plan containing elevations, slopes and swales should be prepared and submitted to the City of Vaughan with this package. The following issues must be addressed to alleviate these concerns:

- 1) There are no elevations provided on their submission. They should be shown to determine direction of drainage including all swales.
- 2) The side lot line which you share with this neighbor must not block the swale along this lot line (ie. original swale to be maintained).
- 3) The cabana footings could affect your property since they are close to the lot line. Any retaining walls required must be shown on these plans along with setbacks from the property line as per the City of Vaughan grading requirements.
- 4) The drainage from their backyard is designed to go to the rear yard swale off the rear property line in to the swale on your lot. If the hard surface area is dramatically increased, the flow of drainage into your swale will impact the swale's ability to accommodate these flows and cause potential flooding or excessive ponding.

The adjacent property must provide all of this information on the complete site plan to determine the possibility of future issues within your lot.

Please let me know if you require any further clarification.

Yours truly,
SCHAEFFER & ASSOCIATES LTD.

Glen Conely, P. Eng.
Senior Project Engineer



SCHAEFFERS
CONSULTING ENGINEERS

September 7, 2021

Our File: 4068

Elm Developments
1931 York Regional Rd 7,
Concord, ON
L4K 1V5

6 Ronrose Drive, Concord, Ontario L4K 4R3
Tel: (905) 738-6100 Fax: (905) 738-6875
Tor. Line: (416) 213-5590 Email: general@schaeffers.com

Attention: Mr. Elliot Steiner

Dear Sir:

**RE: 32 Elmway Homeowners Proposal
Block 10, Elm Thornhill Woods (2013) Inc.
City File 19T-14V003, Plan 65M-4481
City of Vaughan**

Please be advised that we have reviewed the package provided by your office regarding the proposed pool, cabana and associated landscaping works for the above house and would like to point out the possible ramifications of lot grading issues related to these works.

The developer is responsible for any grading issues up until assumption of the subdivision. If anyone registers a lot grading complaint due to any deficient works or any works by an adjacent homeowner, this complaint is documented and will remain on file until it is formally cleared. Provided that there are complaints on file at assumption, the City of Vaughan will not provide you with the lot grading department clearance, thus holding up assumption of the subdivision.

In other words, if anyone complains due to issues with these works, you will not be assumed unless the deficiencies are addressed or the complainant withdraws their formal complaint.

Please let me know if you require any further clarification.

Yours truly,
SCHAEFFER & ASSOCIATES LTD.


Glen Conely, P. Eng.
Senior Project Engineer