

Swansea Area Ratepayers' Association

Reflecting the interests of the Swansea Community



Mailing Address: Swansea Area Ratepayer's Association
c/o Swansea Town Hall, Box 103, 95 Lavinia Avenue, Toronto ON M6S 3H9
Website: www.swansearatepayers.ca

Swansea Area Ratepayers' Group

May 9, 2011

To: City Clerks Office
City of Toronto
Planning and Growth Management Committee

Attention: Ms. Merle MacDonald, Committee Administrator
Toronto City Hall
100 Queen Street West
Toronto, Ontario
M5H 2N2

Re: Special Meeting: 10 May 2011
Item PG4.1 Proposed Repeal of Zoning By-law No. 1156-2010

Please distribute this letter to all Committee Members and attendees.

Dear Committee Members,

I am writing on behalf of the Swansea Area Ratepayers' Association (SARA) and the Swansea Area Ratepayers' Group (SARG).

This special meeting has been called by City Council to hear from the Public in light of your committee's recommendation to repeal Zoning By-law No. 1156-2010 without hearing from all interested parties.

SARA/SARG wrote to City Council at their April 13, 2011 meeting to ask them not to repeal the by-law for a number of reasons:

1. We strongly object to this due to a lack of notice:
 - to appellants to OMB
 - for those groups and individuals who did not object because they were satisfied with the by-law
 - failure of Natural Justice since there was no notice of intent to repeal

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2. The intention of reviewing and possibly repealing the by-laws has significant legal implications:
 - Ontario Municipal Board decisions which relied on the by-law in their rulings
 - Current applications before the Committee of Adjustment
 - City will not be in compliance with the Planning Act and Official Plan in regard to provisions related to Neighbourhoods

SARA/SARG, other ratepayers' organizations, lawyers, and the City has invested a significant amount of time and money to create the by-law in its current form. It is our opinion that any errors, deficiencies or inconsistencies are fixable. The Chief Planner agrees with this position and stated this when he advised City Council on 13 April 2011.

On the issue of process, SARA/SARG suggests that this question be sent to the Ontario Municipal Board for direction. Should the OMB find a non-curable procedural error in the by-law, it can be dismissed without prejudice, allowing the City to bring the by-law back after proper notice is given. The OMB may find it curable and suggest directions that could resolve the matters in a transparent way. Either way, there is no guarantee that the by-law, if accepted as is or brought back after a repeal, will have no issues with notice given its breadth and complexity.

The City Administration has consistently said that it will operate in a transparent manner and one which does not waste taxpayers' money. To repeal the by-law is not an effective use of fiscal resources. It was a costly process to develop and enact, with considerable effort and input by both the City and their community partners. To consider reviewing them with the intent to repeal them just 7 months after adopting them is a colossal waste of taxpayer money.

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Please forward any correspondence to:

SARA/SARG	William Roberts
c/o Swansea Town Hall	63 South Kingsway
Box 103, 95 Lavinia Avenue	Toronto, Ontario
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Sincerely,

David Fleming
Executive Secretary
SARA/SARG

delivered by email