

# DEVINE PARK LLP

PLANNING AND DEVELOPMENT LAWYERS

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Matter No. I451-02  
I451-06

May 19, 2017

**VIA EMAIL** [clerk@toronto.ca](mailto:clerk@toronto.ca)

Mayor and Members of Council  
c/o City Clerk's Office  
13th Floor, West Tower, City Hall  
100 Queen Street West  
Toronto, ON M5H 2N2

**Attention: Ulli S. Watkiss, City Clerk**

Dear Mayor and Members of Council:

**RE: Council Agenda Item PG20.1 – “Technical Amendments to By-law 569-2013”  
Proposed Changes to Accessible Parking Standards and Regulations  
Consideration by City Council on May 24, 2017  
Letter Submitted on Behalf of Birchmount Birch Properties Inc., Warden Birch Properties  
Inc. & Tapscott Birch Properties Inc.**

We are the solicitors for the following companies, who are the respective registered owners of certain properties in the City of Toronto, as follows:

- Birchmount Birch Properties Inc., the owner of the property municipally known as 972 to 976 Birchmount Road;
- Warden Birch Properties Inc., the owner of the property municipally known as 971 to 979 Warden Avenue; and
- Tapscott Birch Properties Inc., the owner of the property municipally known as 165 Tapscott Road

(collectively, the “**Properties**”).

We are writing on behalf of our Client to provide written submissions respecting the above-noted Item, which is being considered by Council at its meeting beginning May 24, 2017.

On February 23, 2017, the Planning and Growth Management Committee (the “**Committee**”) adopted Item PG18.5, which recommended to Council certain amendments to Zoning By-law 569-2013 (the “**By-law**”) respecting accessible parking spaces (the “**Amendments**”). Our original letter to Council with respect to Item PG18.5 dated March 27, 2017 is enclosed with this letter. At its meeting on March 28, 2017, Council referred this Item back to the Committee for further consideration.

On May 3, 2017, the Committee adopted Item PG20.1, which revised its original recommendations to Council by amending the Amendments to reduce the length of the accessible parking space from 5.9 metres to 5.6 metres, and including transitional regulations.

While our Client appreciates the Committee's further consideration and action with respect to the reduction in required parking space length and transitional regulations, our Client has considerable concerns with the transitional regulations now proposed.

Specifically, the proposed transitional regulations only apply to a very limited set of development applications (building permit application, zoning certificate application or complete site plan application). Our Client is concerned that the transitional regulations do not adequately address the impacts on development applications that are underway, but do not fall into one of the above-noted categories. These development applications would include, for example, zoning by-law amendment applications and variance applications. The lack of transitional provisions related to these types of applications may have a significant impact on projects that are at an advanced stage of the planning process and which have already undergone substantial review. We therefore respectfully submit that the transitional regulations be amended to include all pre-existing development applications, as was the case with the transitional regulations adopted when the By-law itself was passed in 2013.

Please accept this letter as a further written submission respecting the Amendments prior to enactment by Council. We respectfully request notification of any further actions or decisions made by City Council or City committees respecting this matter.

Should you require further information or have any questions/concerns about the above, please do not hesitate to contact the undersigned.

Yours very truly,  
**Devine Park LLP**



*pcw* Jason Park  
JIP/SHL/ss

Enclosure

cc: Birchmount Birch Properties Inc.  
Warden Birch Properties Inc.  
Tapscott Birch Properties Inc.

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Matter No. 1451-02  
1451-06

March 27, 2017

Delivered Via Email (clerk@toronto.ca)

Mayor and Members of Council  
c/o City Clerk's Office  
Toronto & East York Community Council  
City Hall, 2<sup>nd</sup> floor  
100 Queen Street West  
Toronto, ON M5H 2N2

Attn: Ulli Watkiss, Clerk

Dear Mayor and Members of Council:

**RE: Council Agenda Item PG18.5 – “Technical Amendments to By-law 569-2013”  
Proposed Changes to Accessible Parking Standards and Regulations  
Consideration by City Council on March 28, 2017  
Letter Submitted on Behalf of Birchmount Birch Properties Inc., Warden Birch Properties  
Inc. & Tapscott Birch Properties Inc.**

We are solicitors for the following companies, who are the respective registered owners of certain properties in the City of Toronto, as follows:

- Birchmount Birch Properties Inc., the owner of the property municipally known as 972 to 976 Birchmount Road;
- Warden Birch Properties Inc., the owner of the property municipally known as 971 to 979 Warden Avenue; and
- Tapscott Birch Properties Inc., the owner of the property municipally known as 165 Tapscott Road (collectively, the "**Properties**").

We are writing on behalf of our clients to provide written submissions respecting the above-noted Item, which is being considered by Council at its meeting beginning March 28, 2017.

On February 23, 2017, the Planning and Growth Management Committee (the "**Committee**") adopted the above-noted item, which recommends certain amendments to Zoning By-law 569-2013 (the "**By-law**") respecting accessible parking spaces (the "**Amendments**"). The supporting staff report indicated that the Amendments are intended to bring the By-law into conformity with the *Accessibility for Ontarians with Disabilities Act* and certain regulations thereto (the "**Act**").

On behalf of our clients, we wish to convey concerns respecting the substantive aspects of the Amendments. Notwithstanding the stated intention in the staff report, the Amendments include standards that exceed those set out in the Act, including an expanded width and length of accessible spaces and an

increased number of required spaces. Our clients are therefore concerned that the Amendments have the potential to impose onerous and unnecessary restrictions on the potential redevelopment of the Properties.

In addition to the above, we support the submissions to the Committee made by BILD dated February 22, 2017, and by Thomas Woodhall of BA Group dated February 23, 2017, which further detail both substantive and procedural concerns with the Amendments.

Please accept this letter as our clients' written submission respecting the Amendments prior to enactment by Council. We respectfully request notification of any further actions or decisions made by City Council or City committees respecting this matter.

Should you require further information or have any questions/concerns about the above, please do not hesitate to contact the undersigned.

Yours very truly,

Devine Park LLP

  
PS Jason Park  
JIP/AGF

cc: Birchmount Birch Properties Inc.  
Warden Birch Properties Inc.  
Tapscott Birch Properties Inc.