

**DEVINE PARK LLP**  

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**PLANNING AND DEVELOPMENT LAWYERS**

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Matter No. M606-03

May 19, 2017

**DELIVERED VIA EMAIL** (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: Ms. 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 1908843 Ontario Inc., 1908844 Ontario Inc., and  
18 Brownlow Holdings Limited**

We are the solicitors for 1908843 Ontario Inc., 1908844 Ontario Inc., and 18 Brownlow Holdings Limited, the owners of the property municipally known as 18 Brownlow Avenue, 174 to 200 Soudan Avenue and 71 to 73 Redpath Avenue, in the City of Toronto (the “**Property**”). 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**



*per* Patrick J. Devine

PJD/SHL:mp  
Enclosure

cc: 1908843 Ontario Inc., 1908844 Ontario Inc., and 18 Brownlow Holdings Limited

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Matter No. M606-03

March 27, 2017

**DELIVERED BY EMAIL (clerk@toronto.ca)**

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

**Attention: Ms. Ulli S. Watkiss, City 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 1908843 Ontario Inc., 1908844 Ontario Inc., and  
18 Brownlow Holdings Limited**

We are solicitors for 1908843 Ontario Inc., 1908844 Ontario Inc., and 18 Brownlow Holdings Limited, the owner of the property municipally known as 18 Brownlow Avenue, 174 to 200 Soudan Avenue and 71 to 73 Redpath Avenue, in the City of Toronto (the “**Property**”). 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 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 client, we wish to convey concerns respecting both the substantive aspects of the Amendments, as well as the absence of transition provisions for pre-existing development applications. 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 client is therefore concerned that the Amendments have the potential to impose onerous and unnecessary restrictions on the proposed development of the Property.

Our client also has considerable concerns with the lack of transitional provisions for pre-existing development applications. Failure to include transitional provisions could have a significant negative impact on projects that are at an advanced stage of the planning and permitting process, and which have already undergone substantial review. We respectfully submit that the proposed amendments should therefore include grandfathering or transitional provisions for pre-existing development applications, as was the case when the By-law itself was passed in 2013.

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 client's 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**

A handwritten signature in blue ink that reads "Patrick Devine".

Patrick Devine

PJD/AGF/mp

**cc:** 1908843 Ontario Inc., 1908844 Ontario Inc., and 18 Brownlow Holdings Limited