

# STIKEMAN ELLIOTT

Stikeman Elliott LLP Barristers & Solicitors

5300 Commerce Court West, 199 Bay Street, Toronto, Canada M5L 1B9  
Tel: (416) 869-5500 Fax: (416) 947-0866 www.stikeman.com

Calvin Lantz  
Direct: (416) 869-5669  
E-mail: CLantz@stikeman.com

**BY E-MAIL**  
clerk@toronto.ca

May 24, 2017  
File No.: 138852.1001

City Council  
c/o City Clerk's Office  
Toronto City Hall  
13<sup>th</sup> Floor West Tower  
100 Queen Street West  
Toronto ON M5H 2N2

Attention: Ulli S. Watkiss, City Clerk

Dear Sirs/Mesdames:

**Re: PG20.1 - Technical Amendments to By-law 569-2013  
Accessible Parking Regulations**

We are solicitors for Humboldt Properties and related companies (the "Clients"), with respect to 217 Adelaide Street West (217 Adelaide Street Holdings), and their various other land holdings in the City of Toronto. Our Clients also have broad land interests in the City of Toronto and acquire additional interest in lands in the City from time to time.

We have reviewed the recommendations of the Planning and Growth Management Committee ("PGMC"), adopted at its meeting held on May 3, 2017. We are pleased that transitional regulations are now proposed to phase in the new accessible parking standards and to ensure that existing applications for building permit, zoning certificate or complete site plan applications, need only comply with the accessible parking standards as they existed on May 3, 2017.

However, we remain concerned that the proposed transitional regulations do not grandfather:

1. complete zoning by-law amendment applications still under review or appeal; and
2. approved zoning by-law amendment applications that have yet to apply for site plan approval and/or building permits.

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As a result, (1) for complete zoning by-law amendment applications still under review or appeal, an owner must obtain relief from the new standards or redesign its parking layouts to accommodate the new standards; and (2) for approved zoning by-law amendment applications that have yet to apply for site plan approval and/or building permits, an owner will need to obtain relief through another rezoning application or a minor variance. However, as a result of the Bill 73 changes to the *Planning Act*, an owner is prohibited from filing a minor variance application for two years after the passing of a site-specific zoning by-law amendment unless Council permits otherwise.

It is unreasonable, unfair and prejudicial to impose the new accessible parking standards on such classes of applications. Significant resources are spent to prepare, submit and process a zoning by-law amendment application—all of which is based on a set of standards known and applicable at that time—and it is prejudicial to later impose new standards on such applications. Accordingly, the proposed transitional regulations should also allow the two above-noted classes of applications to be exempt from the new accessible parking standards for the duration of the transitional regulations.

We also note that, as of the date of this letter, the draft zoning by-law amendment implementing the recommendations of the PGMC has not been released, and as a result, we are unable to review and comment fully on the appropriateness of any revised legislative language. For example, there is unacceptable ambiguity as to what constitute “complete site plan applications”, a phrase used in the PGMC’s recommendations for grandfathering provisions. We therefore reserve the right to raise further issues and concerns with respect to the proposed amendments.

Please continue to provide us with notice of all upcoming meetings of Council and Committees of Council at which the proposed amendments will be considered, and any notice of Council’s decision with respect thereto.

If you have any questions or require further information, please contact the undersigned. Thank you for your attention to this matter.

Yours truly,

  
CLR Calvin Lantz  
Partner

CL/mb

cc. Robert Singer