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File No. 702830

March 27, 2017

**By E-Mail Only to clerk@toronto.ca**

Ms. Marilyn Toft  
12<sup>th</sup> floor, West Tower, City Hall  
100 Queen St W,  
Toronto, ON M5H 2N2

**Attention: His Worship, Mr. John Tory and Members of Council**

Dear Mayor Tory and Members of Council:

**Re: Item PG18.5 – Technical Amendments to By-law 569-2013 (“By-law”)  
Accessible Parking Space Dimensions**

3100 Keele Corporation, the owner of lands municipally known as 3100 Keele St., in the City of Toronto.

We write in relation to the City’s proposed amendments to Section 200.15 of the By-law to implement changes to the accessible parking regulations (the “Parking Amendments”), as further described in the City’s January 23, 2017 Staff Report (the “Report”).

Our client has a number of concerns with the Parking Amendments. Most notably, the changes do not provide for transition or grandfathering for existing development applications, or zoning by-law amendments obtained within two years of an application for a minor variance. The Parking Amendments are especially prejudicial to our client as our client has already secured planning approvals through a settlement with the City (Application No. 13 241316 NNY 09 OZ and O.M.B. File No. PL 141473). This may result in our clients having to seek further relief if the Parking Amendments are enacted as proposed.

As Council is aware, as a result of Bill 73, section 45(1.3) of the *Planning Act* now provides that “no person shall apply for a minor variance from the provisions of the by-law in respect of the land, building or structure before the second anniversary of the day on which the by-law was amended”. Section 45(1.4) requires Council to declare by resolution that such an application is permitted. As you can appreciate, this raises a number of logistical issues – including the



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requirement for staff to report to Council seeking direction on whether a variance application will even be permitted.

Additionally, our client retains concerns with the viability of some of the proposed changes. For example, we question the practicality of lengthening the perpendicular handicap spaces by 0.3m since users of rear loading accessible vehicles would still need to utilize a considerable share of the drive aisle to load and unload passengers. We also have concerns with the effective widening of parallel handicap spaces by 1.5 metres with an additional wide access aisle requirement. The City has not provided a technical study that indicates any sort of deficiency between the current mix of "Type A" and "Type B" spaces as is required by the *Accessibility of Ontarians with Disability Act, 2005* ("AODA"). We agree and adopt the comments submitted by BA Consulting Group Ltd., dated February 23, 2017, Item number PG18.5.3, in relation to this and other issues.

The Report does not provide any rationale or justification for why the Parking Amendments are being recommended. Many of the amendments go beyond the scope of what is required under the AODA and the Integrated Accessibility Standards in *Ontario Regulation 191/11*. Further, given the substantive nature of the proposed amendments, it is difficult to understand why they are being described as "technical" amendment.

Accordingly, we request that this item be referred back to Staff for further consideration and public input, and to reconsider a transition clause and other technical changes. In the event the Parking Amendments are to be approved by Council, authority for determining whether a variance application is required pursuant to s.45(1.3) of the Planning Act, should be delegated to the Chief Planner so as to avoid unwarranted and unnecessary delays that could be triggered by the need for staff to report to Council on each variance requested related to this matter.



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Lastly, we hereby request notice of any meetings, report or decisions related to this matter.

Yours truly,

**DAVIES HOWE PARTNERS LLP**

*per:* Aaron I. Platt

AIP: MD

copy: Mark Crawford, *City of Toronto*  
David McKay, *MHBC Planning Urban Design & Landscape Architecture*  
Client